



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MEMORANDUM

DATE: January 11, 2011

TO: Land Reclamation Commission

FROM: Chris Thiltgen, Environmental Specialist IV

WSE for CT

SUBJECT: Hearing Request Concerning the New Site Permit Expansion Application for 76 acres by Strack Excavating, L.L.C., Cape Girardeau County – Site # 2.

BACKGROUND:

On November 4, 2010, the Missouri Department of Natural Resources, Land Reclamation Program received a new site permit expansion application from Strack Excavating, L.L.C. proposing a new site of 76 acres at the Strack Quarry Site # 2 in Cape Girardeau County. After the application was deemed complete the company published the public notice once a week, beginning on November 26, 2010 for four consecutive weeks in the *Southeast Missourian*, a newspaper that is qualified to publish Public Notice's pursuant to Section 493.050 RSMo., in Cape Girardeau County. The company also sent by certified mail a notice of intent to operate a surface mine to the appropriate government officials and adjacent landowners. This proposed new site permit expansion application for a 76-acre limestone mining operation is located in Section 20, Landgrant 2192, Township 32 North, Range 13 East in Cape Girardeau County. The proposed mine operation timeframe is to the year 2111.

The Staff Director received letters during the comment period concerning the proposed new site permit expansion application. Many letters provided comments, a request for a public meeting and a request for a hearing. Heartland Materials, L.L.C. respectfully declined to hold a public meeting. Therefore, the next step in the process is to proceed to a request for a hearing before the Land Reclamation Commission at their next meeting.

The Director received a multitude of letters during the public comment period. I would ask the commission to refer to Attachment 1 in the commission packet. Therefore we present a request for a hearing before the commission at the January 27, 2011 meeting. On January 11th and January 13th, 2011, the Staff Director did provide people and placed information on web sites of the time, location of and how to prepare for the January 27, 2011, commission meeting.

The Land Reclamation Act addresses the issues of public notification requirements, permit denial, a request for a public meeting, and requests for a hearing. The Missouri Department of Natural Resources provides protection concerning sediment and run off in to the creek system, air pollution and excessive dust emissions that originate from within the property of the proposed mine site. The Department does not provide protection concerning noise pollution, number of quarries in the area, road safety, property devaluation or blasting.

Staff Director's Notice of Recommendation

The Land Reclamation Act at Section 444.773.3, RSMo, requires that the Staff Director make a formal recommendation regarding the issuance or denial of an applicant's permit. In addition, the "Act" at 444.773.1, RSMo, requires the Director to consider any written comments when making the notice of recommendation. After consideration of issues provided in letters, it is the Director's recommendation to issue the new site permit expansion application, for 76 acres in Cape Girardeau County sought after by Strack Excavating, L.L.C. at the Strack Quarry Site # 2. The Director's recommendation for approving this new site permit expansion application is based on the fact that the company has satisfied the requirements for application completeness. This completes the first step of a two step process.

The second step in the process involves the Land Reclamation Commission making the final decision on whether or not people have standing to grant a hearing.

CT:ts

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MEMORANDUM

DATE: January 11, 2011

TO: Land Reclamation Commission

FROM: Mike Larsen, R.G., Staff Director
Land Reclamation Program 

SUBJECT: Director's Recommendation – Strack Excavating, L.L.C., New Site #2, Expansion to Existing Permit #0832 - 76 acres; Cape Girardeau County

The following constitutes the Director's Recommendation based on a review of application completeness, consideration of written comments received and the required components of the recommendation.

Staff Director's Notice of Recommendation

The Land Reclamation Act at Section 444.773.3, RSMo, requires that the Staff Director make a formal recommendation to the commission regarding the issuance or denial of an applicant's permit. In addition, the "Act" at 444.773.1, RSMo, requires the Director to consider any written comments when making the notice of recommendation. After consideration of application completeness, it is my recommendation to the commission to issue the new site permit expansion for 76 acres at the Site #2 Quarry in Cape Girardeau County sought after by Strack Excavating L.L.C.

As the commissioners will understand in the attachment to this recommendation, there have been many issues raised. There are issues regarding the mining and operational plans of Strack Excavating LLC which are related to concerns about potential future impacts. Such future impacts cannot be measured today and some issues are of such complexity that no one person possesses the technical expertise to make a complete and thorough evaluation of the potential for such future impacts.

As Staff Director I have recommended approval of the pending mining permit application because the company has satisfied all of the application requirements of the "Land Reclamation Act". However, I would point out to the commission that this application has received some of the greatest amount of public input ever received by the program for a mining permit application.

After considering all of the written comments received I have come to the conclusion that this is, without question, an issue of extensive and extreme concern to thousands of citizens in the area of this proposed mining operation. Also, please note that "The Land Reclamation Act" at 444.762 RSMO states: "It is hereby declared to be the policy of this state to strike a balance between surface mining of minerals and reclamation of land (and) to protect and promote the health, safety and general welfare of the people of this state."

My recommendation for approving this new site permit expansion application is based on the fact that the applicant has satisfied the requirements for application completeness as required by both law and regulation. Furthermore, all comments received by the program have been considered and responded to in Attachment 1 to this recommendation which is being provided to the commission for their review.

The issue of whether or not to grant a formal hearing as requested by many petitioners opposed to this permit and the ultimate decision concerning permit issuance now rests with the Land Reclamation Commission.

Required Components of the Recommendation

The Land Reclamation Act requires that the director make a formal recommendation regarding the issuance or denial of an applicant's permit. Rules at 10CSR 40-10.040(2)(A) require that the Director's recommendation be based on several specific items as follows:

1. The application's compliance with section 444.772, RSMo (The Law);
2. The application's compliance with 10 CSR 40-10.020 (The Regulations);
3. Consideration of any written comments received;
4. Whether the operator has had a permit revoked or a bond forfeited; and
5. If a petition is filed and a hearing is held, the commission shall make the decision on permit issuance or denial.

Items 1 and 2: These are basically the same issue stating that the application must meet the criteria for application completeness in both the statutes and the rules. After staff review of the new site permit expansion application from Strack Excavating L.L.C., the staff determines that the application document has met the standards of both the statutes and the rules.

Item 3: For consideration of all written comments received, please refer to Attachment 1.

Item 4: The applicant has never had a permit revoked or a bond forfeited, in accordance with the full language of the rules at 10CSR 40-10.040(2)(A)4.

Item 5: There is record on file that approximately 575 persons are requesting that a hearing be held concerning the new permit application sought after by Strack Excavating L.L.C. Many

people also requested a public meeting and Strack Excavating L.L.C. respectively declined to hold a public meeting.

Summary Comments

As the commissioners will understand in the following pages (Attachment 1), there are a variety of concerns surrounding this proposed new site expansion permit application. The Land Reclamation Act addresses the issues of a request for a public meeting and requests for a hearing. The Missouri Department of Natural Resources does provide protection concerning issues of water and air pollution. The Department does not have any jurisdiction to address concerns related to blasting, mining in a developed residential area where local planning and zoning does not exist, property values, vehicular traffic or noise pollution concerns.

Acting on a mining permit in which petitioners object to the permit requires two separate actions. First, the law requires that the director provide a recommendation to the commission concerning the issuance of a permit. When making the recommendation the director must do two things: 1. Evaluate the application for technical adequacy and completeness and, 2. Consider all written comments received during the public comment period.

As stated in the first paragraph of this recommendation the application has been deemed adequate and complete by the program's staff. Written consideration to all comments received during the public notice period is being provided to the commission as an attachment to this recommendation for the commission's review.

As Staff Director I have recommended approval of the pending new permit expansion application, because, in fact, the applicant has satisfied all of the technical permit application requirements of "The Land Reclamation Act" and consideration has been given to all written comments received. This completes the first step of a two step process.

The Land Reclamation Commission must now decide if the evidentiary hearing requested by the petitioners opposed to the issuance of the permit is warranted. In this case, issues of concern received by petitioners opposing the permit did receive a written response to the concerns expressed in the Attachment to this memorandum, to the extent the program staff were able to respond.

All petitioners for a hearing have been advised, to the best of the program's ability to do so, of this recommendation along with information from the program explaining how to prepare for the Land Reclamation Commission meeting where they will have the opportunity to convince the commission through the submission to the commission of good faith evidence that they do, in fact, have standing as defined by the regulations in order for the commission to order that a hearing be granted. The regulations which define standing are found at 10 CSR 40-10.080(2) and read as follows:

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10 CSR 40-10.080 (2) - Establishing Standing for a Formal Public Hearing.

(A) For a formal public hearing to be granted by the Land Reclamation Commission, the petitioner must first establish standing.

(B) The petitioner is said to have standing to be granted a formal public hearing if the petitioner provides good faith evidence of how their health, safety, or livelihood will be unduly impaired by the issuance of the permit. The impact to the petitioner's health, safety, and livelihood must be within the authority of any environmental law or regulation administered by the Missouri Department of Natural Resources.

Only the Land Reclamation Commission can now decide on the hearing request and on whether or not the permit expansion should be issued.

ML:ct:tb

Attachment

Attachment 1

Consideration of and Response to Public Comments Received Regarding the Proposed New Site Permit Expansion Application, Strack Quarry, Site #2 for Strack Excavating LLC, Cape Girardeau County, Missouri

The Staff Director of the Missouri Department of Natural Resources, Land Reclamation Program received letters, emails and two petitions providing comments, requesting a public meeting, and requesting a hearing concerning the proposed Expansion permit application for a new site of the Strack Quarry Site #2 sought after by Strack Excavating, LLC. The full tally of signatures of persons opposed to the issuance of the permit was approximately 2,600. The names of people who requested a hearing are listed under the heading of Hearing Request.

All correspondence received by the program during the public notice period for this application has been posted on the Department's web site at <http://dnr.mo.gov/env/fruitland.htm> for all interested parties as well as the Missouri Land Reclamation Commission's information and review. The commission has been advised and informed of these letters, how and where to find them and have been periodically visiting the Department's web site specifically for the purpose of reading all letters posted.

These individual comments and concerns have been grouped together for efficiency of written response and for clarity of presentation to the commission in summary form. Listed below are the issues raised in the approximately 2,600 letters, emails and petition signatures received during the public comment period and the staff's responses in consideration of each comment or concern received.

Concern: "The potential to expand the Heartland proposed mine plan to both the east and the west of Saxony Lutheran High School and reach all the way to the Strack proposed mine plan is an additional basis for reviewing the Strack and Heartland applications in tandem and assessing the effects of the proposed permitted activities on Saxony students, faculty and staff comprehensively and in tandem."

Response: This concern is completely understandable however, the decision as to whether or not both applications should be considered "in tandem" or as separate, stand alone applications is a decision that only the Land Reclamation Commission can make. Throughout the statutes that comprise the "Land Reclamation Act", reference is made in many places to the singular form of the word "application." Therefore, each application should be considered on its own merits and not in combination with another, although geographically related, each application is from an entirely different and separate applicant.

Concern: "Based on the application materials, and despite the reclamation plan, the proposed bonding will not match the level of financial assurance required to reclaim the land."

Response: As specified by section 444.778.1 of "The Land Reclamation Act", bonding of any permitted area under this law is set by statute at "...the penal sum of eight thousand dollars for each permit up to eight acres and five hundred dollars for each acre thereafter that is to be mined." This is the requirement of current law. The program and/or the commission have no authority to require additional bonding at the time of initial permit application submittal.

Air Pollution/Dust Control

Summary of Concerns: In the letters received, there were many concerns about how the dust created by the quarry would negatively impact the area and especially the health of the students attending Saxony Lutheran High School.

Response: The generation of dust at limestone mining and processing operations comes from a variety of sources. Some of those sources involve stockpiles, crushing operations, on route traffic, and blasting. Missouri air quality laws do not tolerate visible dust emissions migrating off the property boundary. Dust must be contained within the property boundary of Strack Excavating operation, if the mining permit is issued. If dust is seen escaping the confines of the property boundary or if there are excessive amounts of dust noticed during normal operation then Strack Excavating, LLC will need to take immediate corrective actions. Our contact person for Strack Excavating is Mr. Jo Wayne Strack who may be contacted by telephone at (573) 335-9430 or in writing at 5120 State Highway 74, Cape Girardeau, Missouri 63701.

If Strack Excavating fails to take corrective actions concerning fugitive dust migrating onto adjacent properties, concerned parties should contact the Department's Southeast Regional Office. If the department finds Strack Excavating is allowing dust to migrate onto adjacent properties, appropriate actions will be taken. To report a dust complaint contact the department's Southeast Regional Office, 2155 North Westwood Blvd., Poplar Bluff, MO 63901 or by telephone at (573) 840-9750. It will prove best to ask to speak with someone in Air Pollution Control. Only the Department's air laws regulate dust generated at a mine site.

Asthma

Concern: At the request of a commission member, staff researched how many times the word "asthma" appears in letters received concerning Strack Excavating, LL.C. On December 28, 2010 a word search was performed on the Optical Character Reading scanned documents. A sample of sentences with the word "asthma" is listed below:

"I have trouble with dust, smoke, fog, and dirt in the air. These are transient pollutants. A persistent and consistent rock dust in the area does not sound like a good mix for me or for anyone living within any reasonable distance or commuting through Fruitland. My son has asthma-like allergies since he was very young. His daughter has the same trouble. Quarry dust would be an outrageous pollutant for them to drive through and would make it difficult to visit us."

"Some students have asthma and this could potentially send them to the hospital. We cannot take the health of our students lightly."

"As it relates to health, several of our residents have asthma and my research shows dust is extremely detrimental to children with this condition. This dust would pose a health risk for Saxony students as well."

"I have five grandchildren in school. One has asthma and all have allergies. Research shows that quarry dust is extremely detrimental to these conditions. The dust would pose a health risk not just to the students, but all people living in the area and those attending sports and other events at the schools."

"My wife has Asthma, which puts her at serious risk in this situation. Because I know that fugitive dust cannot be completely controlled in every situation, I have grave concerns about how her health will be affected. Currently her Asthma is under control, but any extra irritants in the air could seriously affect her future health and daily Quality of life. My home will be 30 feet from Stacks' proposed roadway in and out of his Quarry. Also my home will be less than a hundred feet from his proposed Quarry."

"As an allergy sufferer and with seasonal asthma, I also know the effect dust can have in making these symptoms worse."

"As it relates to health, several of our area students have asthma and my research shows that quarry dust is extremely detrimental to children with this condition. This dust would pose a health risk not just for Saxony students but Jackson R2 North Elementary, and numerous Day Cares also. I know that there are several adults/children in our neighborhood that have respiratory problems."

"My son has a sensitive health issue Asthma, that puts him at serious risk in this situation. Because I know that fugitive dust cannot be completely controlled in every situation, I have grave concerns about how his health will be affected. He currently uses several medications to control his disease, but any extra irritants in the air could seriously affect his future health and daily quality of life."

"I have a sensitive health issue (Chronic Sinusitis, Chronic Bronchitis and Asthma) that puts me at serious risk in this situation. Because I know that fugitive dust cannot be completely controlled in every situation, I have grave concerns about how my health will be affected. I currently use medications to control my disease, but any extra irritants in the air could seriously affect my future health and daily quality of life."

"As it relates to health, my 10 year old son has asthma and my research shows that quarry dust is extremely detrimental to children with this condition. This dust would pose a health risk not just for my son, but for all of the students in our area who come to school and participate in softball games, baseball games, soccer games and cross country meets, area wide play days, summer camps and more."

"Seventh, many students and teachers have allergies/asthma that would be aggravated by a quarry literally at their front and back door."

"I have a health issue of asthma. I believe the work of the quarry will produce dust in the surrounding air which will not be conducive to my visits to the campus."

"The effects upon the health of many of the students in these schools is bound to be great considering so many students these days have asthma as well as other respiratory conditions."

"First and foremost, to me personally, is the fact my youngest son is asthmatic. Ironically, he was admitted to the hospital in October due to a severe asthmatic episode."

Response: In comments received on or before December 28, 2010, the word "asthma" appears twenty-six (26) times. This is less than two percent (2%) of all the letters received for Strack Excavating, LLC.

Research conducted by Dr. John Kraemer, South East Missouri State University identifies that based on Cape Girardeau County population it is not unusual for about two-percent (2%) of the population to have asthmatic conditions:

Emergency Room: Residents of Cape Girardeau County						
Diagnosis: Asthma [128.]						
	Year					
	2007		2008		Total for Selection	
Age of Patient	Number of Visits	Rate	Number of Visits	Rate	Number of Visits	Rate
Under 15	65	4.9	54	4.0	119	4.5
15 to 24	32	2.2	28	1.9	60	2.1
25 to 44	45	2.7	49	3.0	94	2.8
45 to 64	17	0.9 @	13	0.7 @	30	0.8
65 and over	8	0.8 @	3	0.3 @	11	0.5 @
All ages	167	2.5	147	2.2	314	2.4
Rates Per 1,000						
Age Adjustment Uses 2000 Standard Population						
@ Rate considered unreliable, numerator less than 20						

Air Pollution

Concern: “In addition, Cape Girardeau County has been on the margin of being designated an ozone nonattainment county and the increased truck traffic will likely push the county over the ozone limit.”

Response: EPA is currently reviewing and revising the ozone standard. Until a final decision is made on the new standard, the department is unable to speculate on the designation of different areas and the impact truck traffic would have on the designation.

Noise Pollution

Summary of Concerns: In the letters, emails and petitions received, there were many concerns about how the noise created by the quarry would negatively impact the area.

Response: We understand that Strack Excavating, will generate a variety of noises and noise levels when they operate the quarry, if the permit application receives approval. If noise levels generated from the quarry operation become problematic we suggest that citizens voice that concern to Strack Excavating. Our contact person Strack Excavating is Mr. Jo Wayne Strack who may be contacted by telephone at (573) 335-9430 or in writing at 5120 State Highway 74, Cape Girardeau, Missouri 63701.

Another option is to contact the Mine Safety and Health Administration (MSHA) at their field office in Rolla by telephone at (573) 364-8282 or in writing at 901 Pine Street, Room 202, Rolla, Missouri 65401. Although MSHA only regulates a miner's safety and well being; most likely if people outside of the quarry area are experiencing problems with noise pollution from the mine site, it is possible that mineworkers are too.

There are no environmental provisions that allow the Missouri Department of Natural Resources to administer protection against noise pollution.

Traffic

Summary of Concerns: In the letters, emails and petitions received, there were many concerns about how increased traffic from the quarry would negatively impact the area and especially the students attending Saxony Lutheran High School.

Response: The Missouri Department of Natural Resources has no authority to regulate traffic on public roads in Missouri. It would be best to contact local authorities about nuisance traffic, damage to roads or safety issues from the mining operation if this permit is granted.

Blasting Related Issues

Summary of Concerns: In the letters received, there were many concerns about how the blasting activities at the quarry would negatively impact the area and the learning environment of the Saxony High School students.

Response: If a concerned person experiences damage to their property due to the operation of the proposed neighboring quarry then those individuals have every right to take civil litigation actions to formally resolve those issues.

Detonation of explosives always triggers ground vibrations at specific frequencies that do leave the blast area and resonate structures nearby. Blast vibrations can also be perceptible, but not necessarily damaging, in a home at great distances from a blast.

It may prove beneficial for concerned individuals to have a blasting survey taken of their house and/or other property if they live near a mine site. A blasting survey done before the initiation of a blasting program is of the most value, but a survey can be performed at any time. The blasting survey usually involves an independent party documenting all of the walls and other parts of the house or structure for cracks or the lack of cracks.

Another option to consider is having an independent blasting consultant set up a seismograph to monitor the vibrations a residence or another structure experiences. If the seismograph measures damaging ground movement at a damaging frequency, during the detonation of explosives, then there is better evidence that the damage caused to a residence is, in fact, related to blasting. A review of past blasting records or logs will also provide insights to how explosives have been used.

Although civil litigation is an option, we recommend that concerned individuals request the company to provide assistance with a blasting survey, seismograph monitoring or any damage claim, although we must emphasize that this would be strictly voluntary for the company. There are no environmental laws that would require the company to do so. Again, our contact person with Strack Excavating is Mr. Jo Wayne Strack who may be contacted by telephone at (573) 335-9430 or in writing at 5120 State Highway 74, Cape Girardeau, Missouri 63701.

We further suggest that Strack Excavating provide a blasting schedule to each person who lives or works within a half-mile from the point of explosive detonations. The blasting schedule should advise people of the typical times when explosives are detonated. Another precaution for Strack Excavating to consider is making people aware of a detonation with a warning siren, at least one minute prior to the detonation, that is audible for a half-mile distance from the point of detonation; although there is no environmental requirement for the company to do so. The Department of Natural Resources does not regulate blasting related activities at limestone quarries in any way as we have no jurisdiction to do so.

Flyrock is the undesirable throw of material from a blast. It is generally found to originate around the collar of the blast hole or the face of a blast and to have been caused by incorrect selection or application of burden, stemming length or by blast holes being initiated out of sequence. Flyrock can also result due to the structure of the rock. Fissures, joints and weakness planes are not necessarily the same from location to location even within the same blast area. When voids in the rock are present and the bore hole driller does not inform the blaster-in-charge of such voids, the explosives' power vents through a void and is capable of expelling debris for some distance. A good solid rock formation is less likely to produce a

chance of fly rock. If by chance, rocks are thrown onto property that neighbors the site, please do not hesitate to contact Strack Excavating to pick up rocks that might be thrown on to neighboring properties as a result of a blast from the mine site; although there is no environmental regulation for Strack Excavating to do so, it is simply a good neighbor policy. Again, our contact person is Mr. Jo Wayne Strack who may be contacted by telephone at (573) 335-9430 or in writing at 5120 State Highway 74, Cape Girardeau, Missouri 63701.

If flyrock were to cause damage to a neighbor's property it will prove beneficial to document the damage. We again encourage people to inform the company of any possible damage to see if they will take actions to resolve those concerns. We do encourage Strack Excavating to take corrective actions to alleviate the concerns of people if there is damaged property, although there is no environmental law for them to do so. The Mine Safety and Health Administration (MSHA) will also get involved if fly rock off of the mine property occurs.

Another option is to contact the Missouri Limestone Producers Association (MLPA). MLPA is a trade association that exists in part to help mediate problems that can occur among communities or residents and limestone mining operations. A phone number for the MLPA is (573) 635-0208 and we recommend that a concerned person speak with Mr. Steve Rudloff, Executive Director.

The Missouri Blasting Safety Act was enacted in 2007 and regulates various blasting and excavation activities. The act requires individuals who use explosives to have a blaster's license or be supervised by a person with a blaster's license, with some exceptions. The act directed the Division of Fire Safety State Fire Marshall's Office to create a blaster's licensing program and lays out qualifications for license applicants, which include completing an approved blaster's training course and passing a licensing examination. We encourage you to contact the Division of Fire Safety (573) 751-2930 to learn more about this law.

Water Quality/Quantity Issues

Concerns: In the letters received there were many concerns raised as to the protection of ground water wells, the impacts to Hubble Creek, livestock watering, and a request that a subsurface geologic study be performed. A sample of a few of the comments is provided.

"The proposed quarry site and surrounding area are part of a karst topography, as evidenced by sinkholes, a year-round spring within 600 feet of the quarry site, and a "losing stream" within 500 feet of the quarry site. There are many documented negative impacts of quarrying in a karst geological area on aquifer-supplied water sources, including ground water level lowering, flow alteration, and turbidity increases. According to Mr. James Vandyke, State Geologist with the Mo DNR, there have been no studies or testing done in this area which would assess the impact of quarrying on groundwater resources. As a user of the public water supply well system, I believe my family's health and the health and viability of the water supply is threatened by the quarry, and would expect that a hydrogeological study or environmental impacts study be undertaken to determine the potential risk and mitigation steps necessary to protect our water supply."

Response: Concerns about water wells becoming contaminated or a drop in the static ground water levels due to a nearby mining operation are understandable. Currently, the Missouri Department of Natural Resources does not regulate private water well issues, but there are steps that can be taken to determine whether or not a private water well is negatively impacted in the future. In order to document that there has been a change in the water quality of a private well there will first need to be a water quality analysis that provides baseline data. A baseline water sample should be from a concerned individual's well. If there is a detected change in the water quality another water quality sample should be taken. The baseline analysis is then used to compare future water analysis to see if there is a change in the water quality. If a future water sample identifies that there is a negative change from the baseline analysis then there is proof that the concerned individual's well water quality is affected (although this may not necessarily mean that the mining operation caused this change). If anyone elects to have their well water tested, we recommend that they use the services of a qualified individual who will follow accepted methods to sample the water and transport it to a laboratory for analysis. The Missouri Department of Health is responsible for testing water samples from privately owned wells. For assistance to sample a private well, contact the local County Department of Health office. People who use a private well may make a request to Strack Excavating to help with the cost of obtaining a water sample, although we must emphasize that this would be strictly voluntary for the company, there are no environmental laws that would require them to do so.

We have spoken with representatives of the Department's Water Protection Program to further understand what someone can do to protect their supply of water. From those conversations we learned that there are no laws in Missouri that provides protection for maintaining a viable groundwater supply to recharge a well. For more information concerning water wells, contact the department's Public Drinking Water Branch at (573) 751-5331.

Concerned individuals, and Strack Excavating, might be able to reach some type of an agreement for implementing a water quality monitoring plan. We recommend that concerned individuals discuss with the company a plan to complete this work and to pay the cost of a water monitoring plan. However we must emphasize that this would be strictly voluntary for the company. There are no environmental laws that would require the company to do so.

Mining and the Environment / Hubble Creek

Concerns:

"...plus the origin of Hubble Creek is located within a two mile radius of the proposed operation."

"There are two main feeder streams for Hubble creek running through the proposed quarry site. This creek runs along Hwy 61 into Jackson and through the city park. Children play in this creek and families picnic by the creek, schools take students on field trips to Hubble creek. Students look for and identify different types of leaves, plants, rocks, etc. Previous core drilling reports found a fault/dirty rock in this area. If the rock needs washing the excess water shed will flow into Hubble creek. How will this affect the natural habitat along this creek. How does the natural stream act apply to rock quarries?"

"I live about 1/4 mile (approx 1200 feet) from this proposed quarry and I believe Strack Excavating would be very detrimental for our area residences, the headwaters of Hubble Creek, air quality, and possible damage to our Public Water Supply District #1 Wells."

"Fourth, the proposed sites are near Hubble Creek, which runs through several Jackson parks and neighborhoods."

"And, as Hubble Creek runs through this area, what impact would a quarry have on this watershed and also its inhabitants?"

"As a member of the community, I have significant concerns about the proposed quarry's impact to the surrounding environment. As mentioned previously, there is an all-weather spring within 600 feet of the quarry site, on the south bank of the primary tributary into Hubble Creek in this area. This spring empties directly into that tributary at an approximate rate of 30 gph, and then into Hubble creek. The location and orientation of the spring would imply that it is fed from the south, directly from the location of the proposed quarry. Given the nature of Karst, a spring with a probable existing underground hydraulic connection to the quarry location, and the likelihood of additional rock fracturing from mining and blasting, I think it is necessary for the permitting entities and the public to understand how Mr. Strack would be able to insure that there wouldn't be undesired discharge from the mining operation off of his mining property and into Hubble Creek via this and any other similar springs. Wildlife also make use of this spring, as evidenced by fish in the pool created by the spring and deer and other wildlife observed around the periphery of the pool. Furthermore, Mr. Strack in his permit proposes a half-mile long impoundment berm with a holding pond to contain quarry waste and runoff from entering Hubble Creek, around the 1st proposed excavation area. This berm would border either Hubble Creek or its tributaries along its entire length. I am concerned about the integrity of such a structure, particularly as it is located immediately adjacent to the excavation and blasting area, and believe a spill into Hubble Creek would create a significant environmental hazard as well as ruin the natural state of the creek within and including its course through the Jackson City Park."

Response: Although permits from other agencies may be required at a mine site, the issuance of the Land Reclamation permit is not dependant on these other permits. The Land Reclamation Act does not require that an applicant secure all other necessary permits prior to the issuance of the Land Reclamation Permit. Many times the Land Reclamation Permit is acquired before other necessary permits.

Strip mining is a temporary harsh activity on the land affected by mining. We understand that strip mining does appear like environmental destruction. The strip mining process involves the clearing and grubbing of vegetation, removal of overlaying material to access the mineral commodity and blasting to fracture the rock mass. Due to the lack of environmental concern by some mine operators prior to 1970, there are now various safeguard requirements to protect the surrounding environment from a mining operation. Some of the safeguard requirements include keeping sediment from reaching a stream outside the mine area, keeping dust and other pollution from affecting areas outside the mined property and timely reclamation of land affected by mining. Laws enforced by the Missouri Department of Natural Resources require these environmental protection safeguards. The Land Reclamation Act requires that the affected land

be reclaimed to a land use of wildlife, agriculture, development or a water impoundment. The mine-plan for this site involves land uses/acres of: 21-acres for wildlife and 55-acres for a water impoundment. Wherever topsoil is replaced, vegetation will be established sufficient enough to control erosion. The Code of State Regulations at 10 CSR 40-10.050(5)(B)8., specifically exempts an operator from reducing a highwall if there is an inadequate amount of material for backfill.

Restoring mined land to a viable land use is what The Land Reclamation Act is all about. The Act's declaration is to strike a balance between surface mining of minerals and reclamation of land subjected to surface disturbance by mining, as contemporaneous as possible, and for the conservation of land, and thereby to preserve, and aid in the protection of wildlife and aquatic resources, to establish recreational, home and industrial sites, and to protect and promote the health, safety and general welfare of the people of this state. The act and reclamation plan proposed by Strack Excavating LLC, provides locomotion to return the mine site to a land use recognized by The Land Reclamation Act, if this permit is granted.

A certificate to mine limestone issued by the Missouri Land Reclamation Commission does not allow an operator to destroy the environment.

Water Line Easement

Concern: "His permit application misrepresents the current status of an easement on the land. The map included with the application indicates a water line easement along the north and east border of the property. A brief visit to the Cape County Recorder's Office provides proof that no recorded easement exists in that location, and that in fact the public water supply easement runs south along the west side of the property, then along the south side just south of the upper portion of the property, then directly *across the center of the property* just to the south of the first proposed excavation area. Whether Mr. Strack hasn't done the proper research, felt that something such as land use rights to be unimportant enough to represent properly on his application, or otherwise chose to misrepresent the current situation of that easement, is up to him to explain, but any of those reasons demonstrates either a lack of attention to detail or a disregard to disclose facts pertinent to the situation, behavior which calls into question his intent to ultimately adhere to either operating regulations or ultimately to his reclamation plan. "

Response: The Land Reclamation Program staff took this concern very seriously when we became aware of this when received on December 30, 2010. The map submitted by Strack Excavating with the permit application showed to us the water line easement running along the northern and eastern borders of the property. The Land Reclamation Program has coordinated this response with the Public Water Supply District #1 (PWSD#1) in this area. We have spoken with both the District Manager Supervisor and the attorney for PWSD #1 in order to obtain the latest information on this issue. They have informed the staff that Mr. Strack is working with them to relocate the water line easements currently located on the borders of and traversing through his property. The staff has been informed by the PWSD #1 that last summer, prior to Mr. Strack purchasing the property, he reached a solid agreement with the water board members that if he purchased the property the easements would be relocated from their current position to a position shown on Strack Excavating's permit detail map. In addition, we understand from our

conversations with PWSD #1 that Mr. Strack has agreed to reimburse the PWSD #1 for any additional costs this relocation of the easements would present.

Simply put, the map included with the permit application does not show the current locations of the water line easements but it does show where they will be located now that Mr. Strack has purchased the property. According to officials with PWSD #1 the surveys necessary to complete this relocation have been completed, Mr. Strack's engineering firm has been working with the engineers for the PWSD #1 and, to quote the attorney for the water board, "this relocation will happen. It just hasn't happened yet." As a point of note, there are no actual water lines in existence in any of the easement areas.

Here is correspondence received by the program from PWSD #1 with regard to this matter:

"Just a note to let you know that I am working on the location of the easements on the property that Strack Materials proposes to make into a quarry. I have printed a copy of the plat attached to your mail from yesterday. I will draw in the approximate locations of the various easements and then label them with the book & page or document number for the easement. I will then forward the plat to you via the postal service. For your information I was contacted by Mr. Strack a little over a month ago. During the call he told me that he is going to have the plat changed to reflect the water line easement being relocated from the placing that is currently in place to one that has the easement being adjacent to and parallel to the north property line of the tract and also the east property line of the tract. The relocation of the easement has necessitated the district resubmit to MoDNR for a new construction permit. I have talked with Mr Strack's engineering firm and exchanged phone numbers with them so they can contact the Water District's engineer to work out what is needed as far a mapping requirement for the new construction permit. I don't know if there has been any contact as of yet but it will happen. If upon receipt you have any questions give me a call."

Thanks.

Harold "PeeWee" Landgraf Jr

Request for Geologic Study

Concern: "I am also concerned about possible negative effects on the Public Water Supply in this area. Thousands of people including my family rely on this water supply daily. I want to urge you to complete the proper studies to determine how this rock quarry could affect our water supply considering the karst topography seen in the Fruitland area."

Response: Concerns about water wells becoming contaminated or a drop in the static ground water levels due to a nearby mining operation are understandable. Currently, the *The Land Reclamation Act* does not require applicants to perform geologic studies of areas surrounding a proposed mine site. Therefore, the applicant would have to voluntarily commission such a study. The Land Reclamation Program has no authority to force the applicant to do so.

Livestock Watering:

Concern: "We also have cattle and a water supply for them as well as ourselves."

Response: According to the Missouri Department of Conservation, "Many livestock producers use ponds or streams as a watering source. These watering sources seem to offer an adequate supply of fresh water, when in reality it may be costing you more, through lost production due to poor water quality. Fencing your pond and stream and providing an alternative watering source may reduce the negative impacts of poor water quality on your cattle while improving the stream and pond resource...."

Cost-share programs with the Department of Conservation can reimburse you up to 75% of the cost. Solar watering works with any other land management programs you might be interested in. Contact the Fisheries Division of the Missouri Department of Conservation for more information on solar systems or your local NRCS, Soil & Water Conservation District or University Extension Office for information on other land management programs.

The Conservation Department has a detailed booklet, "Watering Livestock With Solar Water Pumping Systems", with complete instructions and illustrations to build your own alternative watering system. To obtain a copy or learn more about other incentives available to you, contact your local fisheries biologist or private land conservationist.

(Source: <http://mdc.mo.gov/landwater-care/landowners-and-farmers/alternative-watering-sources>)

Property Devaluation

Summary of Concern: In the letters, emails and petitions received, there were many concerns about how the location of the quarry would negatively impact property values in the area.

Response: The concern involving property devaluation is a real issue among residents who live near a mining operation. The mere presence of a mining operation may potentially decrease property values during mining and cause concerns among prospective homebuyers. It is not always true that mining causes property devaluation. There are some instances where, in fact, the presence of a quarry did not affect the value of property.

Anyone has every right to seek restitution for damage that Strack Excavating, is responsible for. No one has the right to cause devaluation of someone else's property without proper reimbursement or settlement for those damages. This is based on laws governing property rights not laws that govern mining.

The Land Reclamation Act does not provide guidance for property devaluation that neighbors a mine site. Rather, the declaration of The Land Reclamation Act identifies the need to protect and perpetuate the taxable value of property while allowing for the responsible mining of mineral resources.

Impacts on Livelihood of Saxony Lutheran High School and Other Businesses

Summary of Concern: In the letters, emails and petitions received, there were many concerns about how the placement of the quarry would negatively impact the future livelihood of Saxony Lutheran High School and businesses in the area.

Response: Although there may be an impact on students' desire to attend Saxony Lutheran, should this permit be approved, there is not sufficient evidence at this time that the school's enrollment will be unduly impaired by the issuance of the proposed new quarry permit. There may also be concern of prospective or future students and their parents committing to attending Saxony Lutheran High School knowing that a quarry may be located nearby their school. However, at this time there is just not sufficient evidence to either support or refute the claim that attendance will decline.

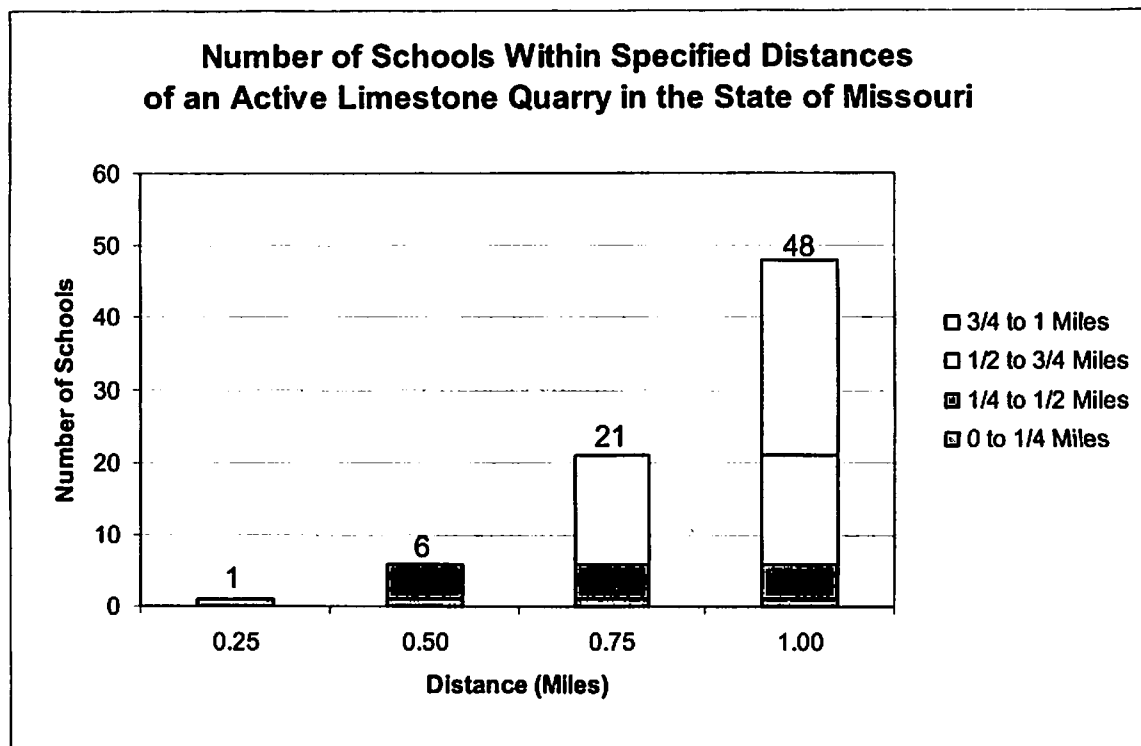
In consideration of and responding to this concern, the staff is simply not in any position to affirm or dismiss the possible impacts to the future well being and livelihood of Saxony Lutheran High School and its administrators or other employees at this time. Nor are we in any position to predict the impacts to other businesses in the area.

The staff has, however, performed some research in this area such as we were able to do so. We have reviewed the current locations of limestone quarries located near schools and we are providing the results of that cursory study for the commission's information below.

An analysis was performed using Geographic Information System (GIS) software to determine the number of schools within one mile of an active limestone quarry permitted by the Land Reclamation Program (LRP). The analysis included all private, public and higher education facilities located in the State of Missouri. Limestone quarries included in the analysis were only those that have currently active permits issued by the LRP.

There are 2,915 schools in the state, and of those, it was determined that there are a total of 48 schools located within one mile of an active limestone quarry. This is approximately 1.6% of all schools. Of those, one school is located within 0.25 miles, six are located within 0.50 miles, 21 are located within 0.75 miles and 48 are located within 1.0 miles (see Graph 1). Each of the 48 schools was contacted to ascertain if mining at the quarry was initiated before or after the school was established. It was determined that 36 schools were established before the quarry, 10 schools were established after the quarry and two were unknown.

During the contact made with each of the 48 schools, school administrators were questioned as to whether or not the school had experienced any issues related to mining at the quarry. There were seven schools that reported mine-related issues. Some of these include power surges or outages after blasting, vibrations due to blasting, minor dust issues and increased truck traffic. It was noted that the majority of blasting related issues were experienced after school hours.



Graph 1. Number of Schools within Specified Distances of an
Active Limestone Quarry in the State of Missouri

Mining Laws

Comment: "Based on Missouri Statutes 444.610.1(1), "the commission shall not approve the application for a permit to conduct strip mining where such mining would endanger a residence, public building, school, church, cemetery, commercial or residential building, stream, lake, public road or other property".

Response: The cited statute is from the Strip Mining Law for coal mines in Missouri. This law does not apply to industrial mineral mine sites, such as the Strack Excavating LLC permit application.

Past Non-Compliance

Concern: "Strack and its associated companies have a history of noncompliance with environmental statutes and regulations."

Response: The Missouri Department of Natural Resources, Land Reclamation Program has not issued a Notice of Non-compliance to Strack Excavating or Strack's related companies. The department's Southeast Regional Office offers the following non-compliance information:

Facility ID 223-0037 (Lodi) - Site Survey Date 7-10-2008 No violations at this site to date.

Facility ID 031-0124 (Fruitland) - Site Survey Date 8-3-2010 No violations at this site to date.

Facility ID 031-0104 (Cape Girardeau):

Ten years of operation, 2 NOV's (Notices of Violation), 2 LOW's (Letters of Warning)

- Site Survey Date 3-22-2001 completed by David Malorin. No violations
- **Notice of Violation # 3005 SE** issued by Jan Dunlap-Chronister 3-20-2003 for failure to submit Annual Compliance Certification by April 1, 2002 deadline.
- **Notice of Violation # 3104 SE** issued by Jan Dunlap-Chronister 3-23-2004 for: Failure to prevent visible emissions in ambient air beyond the property of origin; Failure to apply and/or obtain a operating permit as required by Construction Permit 062001-014; Failure to execute Performance Testing as required by 10 CSR 10-6.070, Subpart "OOO". Operating Permit obtained 6-25-2004, Subpart "OOO" testing accepted on June 15, 2004, Letter received 4-9-2004 stating an increase in water usage to prevent visible emissions from crossing property boundary.
- Site Survey completed 9-1-2004 for construction project. No violations observed.
- Inspection 2-1-2005 No violations observed.
- Inspection 12-21-2005 No violations observed.
- Inspection 9-21-2007 No violations observed.
- Environmental Assistance Visit completed 9-17-2008 Facility requested-new office manager
- Environmental Assistance Visit completed 10-23-2008 Facility requested new office manager
- **Letter of Warning** issued 8-20-2009 for quarry blast visible emissions in ambient air beyond premises of origin. Response received 9-15-2009 with explanation and preventative measures to mitigate the potential emissions.
- Inspection 3-25-2010 No violations observed.
- **Letter of Warning** issued 5-25-2010 for potential of fugitive emissions crossing the property boundary. Result of numerous complaints from Dalhousie residential area. Response letter received June 10, 2010.

Affects on Quality of Life

Comment: "This is quality of life changing and not appreciated. You would not seriously consider having a quarry come to your own neighborhood."

"This could seriously affect their future health and daily quality of life."

"We stand in unwavering support of Saxony Lutheran High School and the Fruitland community to oppose the proposed quarry operations, which threaten to diminish the quality of life and safety of those who have chosen to live and work in that beautiful locale."

Response: There is no doubt that having a quarry set up operations near a residence will create some discomfort to a persons quality of life when compared to not having a quarry neighboring a property. Public interest quite often relates to specific issues of air pollution, water pollution, discomfort to the quality of life, blasting, noise or travel way safety issues. Unfortunately, out of this list only dust and water pollution is enforceable by environmental regulations. The others are all issues important to society and they are all legitimate issues; however they are not environmental issues that are within the regulatory authority of the Missouri Land Reclamation Commission.

The current law requires that a person's health, safety or livelihood must be unduly impaired by the issuance of the permit before a hearing may be granted. We recommend that the petitioner be prepared to explain to the commission why he feels that his health, safety or livelihood will be unduly impaired by the issuance of this permit. The Missouri Land Reclamation Commission, not the program staff, will make a determination as to whether someone's health, safety or livelihood would be unduly impaired by the issuance of the permit certificate.

Deny the Permit

Concerns: "Please deny this application and permit our children and those with health problems to live in the healthy environment that God gave us."

"To this end, we stand in unwavering support of Saxony Lutheran High School and their opposition to the proposed quarry operations which threaten to surround the school."

Response: Respectfully, there are comments in the submitted letters requesting that the permit application be denied or not approved. The department's Land Reclamation Program cannot simply deny this permit application based on a citizen request. The permit application is in compliance with the provisions of The Land Reclamation Act, and an application that meets the standards and requirements of the "Act" must be recommended for approval.

Request for a Public Meeting

Summary of Concern: In the approximately 2,600 letters, emails and petitions received, there were many requests for a public meeting.

Response: On Friday, December 17, 2010 a letter was received from Strack Excavating LLC respectively declining to hold a public meeting.

Hearing Request

Summary of Concern: The following individuals wrote to the staff director to request a hearing: In the approximately 2,600 letters, emails and petitions received, approximately 575 requested that a hearing be granted by the Land Reclamation Commission.

Franklin D. Roth, Annette A. Roth, Gary & Geneva Brandes, Sharon Lee, Kevin Coe, Sheila Shelton, Mathew & Staci Wendel, Kenneth & Virginia Leimbach, Charles T. Hampton, Lynne S. Hampton, Bob Wagner, Louis Theiss, Robert A. Stell, Kristina Stell, Linda Bauwens, Sherri Rollet, James R. Schuessler, Terry Hadler, Helen Henderson, Justine M. Heberlie, Mike Heberlie, Velma Davis, Keith Smith, Carol Grantham, Dempsay Grantham, Brian Koenig, Grace E. Zahner, Earl B. Fritsche, Susan Fuytinek, Dale D. Koenig, Sandra Koenig, Dana Seibel, Brent Buerck, Matthew Lohmann, David A. Call, Mary M. Zoellner, Randy J. Leible, Paul J. Stueve, Mary Lohmann, Doris O. Petzoldt, Denise J. Steffens, Dean Kimmick, Sharon Bergman, William G. Jones, Paul W. Kasten, Paul W. Kasten, Cheryl Stueve, Matthew Mueller, Mildred Cearlock, Albert Cearlock, Randolph M. Mueller, Robert W. Hacker, Elmer H. Petzoldt, Patricia L. Callier, Kerby Hansen, Carolyn Schade, Barbara Rubach, Nora Kiefer, Stanley M. Roth, Roger Mueller, Michelle L. Hansen, Christie Steffens, Cindy Mueller, Selma Thole, Orville Schaefer, Eugene C. Dreyer, E. Carol Dreyer, Mildred McMath, Stephanie L. Roegner, Betsy Boettcher, Arleen Hansen, Stephanie Brown, Sherri Palmer, Nancy L. Wills, Betty Roth, Edgar Roth, Lorna Bergdolt, Arlene Lohmann, Rich Dreyer, Shannnon Mueller, Brad Mueller, Sharon J. Dees, Mark Weinkein, James A. Brown, Craig M. Brown, Allyn G. Steffens, Alice L. Hacker, Herman C. Wills, Lisa Pfeiffer, Douglas Pfeiffer, Melissa Fortner, Dianna Koenig, Phillip L. Norman, Arthur Tayon, David Mitchell, Irma L. Hoffstetter, La Donna Weber, Angie Hurt, Vera Sandler, Carole Brown, Carole Brown, Joyce Bova, Palmer E. Fritsche, Susanne Adelman, Susan Dickmann, Lois A. Fritsche, Richard Thoke, Phillip W. Mayhall, Joyce Balsmann, Betty J. Brune, Arleen Pfeiffer, Billie Jean Vogel, Craig Cambron, Connie Cambron, Kelly D. Carstens, Michelle Dreyer, Kurt D. Schoenherr, Regina L. Nuyt, W. D. Dougherty, Nancy Dougherty, Marilyn Mitchell, Darren H. Verseman, Stuart Prevallet, Shelley Prevallet, Chrissy Buerck, Pearl Petzoldt, Debbie Chappins, Laura Neislen, Amy Lohmann, Dorothy M. Wills, Janette L. Call, Ann Welken, Charlotte Krauss, Angie Schuessler, Gregory L. Yamnitz, Ron Wills, Richard P. Weber, Margaret Weber, Howard M. Krauss, Loretta M. Givens, Marylee Hoehn, Brandon Buerck, LeRoy E. Dreyer, Jill A. Wills, Amy M. Yamnitz, Jeff Bohnert, Alfred L. Dreyer, David Werner, Vernon Wills, Sally R. Werner, Kevin R. Gruenwald, Meredith Gruenwald, Wayne P. Kasten, Sherry S. Kasten, Della M. Dreyer, Betty Deardorff, Tillmon F. Petzoldt, Don E. Carter, Kenneth L. Weber, Jerry J. Brandt, Wanda Brandt, Michael Cornehlisen, Matt Cates, Diane Cates, Ashley Otte, Brandy Neal, Bonnie L. Hudson, Dolores Petzoldt, Anna G. Hudson, Earline Leible, Sandra Schumer, Gilbert R. Cornehlisen, Rhoda Cornehlisen, Orreal Katt, Louaira Bock, Brenda L. Wichern, Debra S. Naeger, Dorothy L. Flentge, Connie L. Schuessler, Lyle Petzoldt, Lisa A. Buerck, Randy Behle, Betty Bohnert, Alan Schlichting, Lillian Bohnert, Harold Bohnert, Ruth V. Jordan, Janet Conrad, Lynn Hellman, Ruby F. Mueller, Marvin Mueller, Bonnie Smith, Rev. Matthew T. Marks, Tracey Schlichting, Sarah Borden, Steven L. Eggemeyer, Donna S. Brewer, James Enke, Rhonda K. Enke, Mary Rohde, Cletus Rohde, Gail Mueller, Kerry Mueller, Charles W. Schmidt, Donna C. Guemmer, Roger L. Conrad, Reinhold Mueller, Stanley Galeski, Susan Galeski, Merlin O. Kasten, Ruby Kasten, Patricia O. Heuring, Ronald A. Heuring, Toby Taylor, Melanie Taylor, Delfie Mueller, Angela R. Brewer, Tim M. Brewer, Anna Lexon, Jessica A. Feldmann, Daniel P. Weber, Faye Weber, Rosemary Dreyer, Doris M. Verseman, Nicole Koenig, Joseph L. Koenig, Raymond O. Bohnert,

Wayne Taylor, Carol A. Taylor, Thomas J. Buerck, Eunice Buerck, Nancy J. House, Bernard E. Sohlichting, Steve Hudson, Mike Kueker, Sherry Kueker, Stan Cook, Greg Griffith, Julie French, Donna Phillips, Elbert A. Hadler, Nancy Reisenbichler, Connie Courtois, Benjamin Courtois, Ronald J. Courtois, Janet R. Hadler, Martha J. Haertling, Janice Geile, Viola Schilli, Michelle Petzoldt, Gilbert Bock, Jr., Cindy Cissell, Donna Bock, Daniel Geile, Albert Schubert, Kristen Gruenwald, Linda Ruessler, Beverly Buerck, Judith K. Bohnert, Charles Berry, Colleen F. Burroughs, Kenneth Burroughs, Rachel Deckerd, Larry Dreyer, Patricia S. Wichern, Robert L. Wichern, Karen Schweiss, Brad Schweiss, Julia L. Abernathy, Shirley M. Webb, Rose Weber, Sharon Rodewald, Barbara A. Wibbenmeyer, Sharon Ehlers, Beth A. Anderson, Tammy S. Sparkman, Earl Koenig, Norma Koenig, Arleen Schlichting, Matt Wendel, Ray & Julie Meyer, Gary & Diane Laurentius, Peggy Lorenz, Jessica Wyatt, Dean & Jill Adelmund, Suzanne Vaughn, Meta Petzoldt, Fred Younghouse, Judy Diebold, Jean Ann Pierce, Peggy Scholl, Charles Willinbring, Michael & Mary Kay Hecht, Harold & Jeanine Hager, Lee Haupt, Kenneth Moore, Joyce Horky, Lillian Vogel, Ray & Julie Meyer, Kenyon & Mary Reisinbechler, Kathy Schlichting, Anthony G. Sample, Wayne, Mary & Amanda Koenig, Euline & Norma Koenig, Verna Koenig, Gerry Koenig, Paul Koenig, Frank Bowles, Eric & Thresa Borgfield, Robert Wilson, Harlan Perr, Melvin & Doris Schmidt, Melody Hamm, Shannon Mueller, Amelia Mansfield, Reid & Priscilla Mabuce, Richard Schmidt, Lavanda Perr, Pat Petzoldt, Ruby Eickhorn, Kenneth Volkerding, Lisa Kaempfe, Rebecca Volkerding, Rev. Roger Abernathy, Karla Avers, Marvin & Aileen Petzoldt, Katie Duvall, Stacey Versemann, Brent Versemann, Oleen Saffell, Connie Burroughs, Kristen Perr, Pat Tanz, Arlan Steffens, Don & Carol Hemmann, Alice Birk, Earl & Delores Hacker, Mark & Jennifer Roth, Eunice Roth, Brad Mueller, Wm. Paul Kaempfe, Travis Perr, Elaine Kaempfe, Jayne Tiehes, Kara Versemann, Timothy Dreyer, Willard & Glenda Hadler, Lillian Weber, Pamela Kluesner, Dale & Betty Brown, Jason Hamm, Leo Steffens, Brian & Michelle Mueller, Dan & Kathy Schoenherr, Mr. & Mrs. Dillman Starzinger, Jim Whaley, Brad & Paula Beal, Leon Laurentius, Jessica Reisenbichler, Helen Laurentius, Mr. & Mrs. Vernon Steffens, Nelson Roth, Kimberly Perr, Daniel Makins, Henry & Katrina Voelker, Rhonda Starzinger, Stan Petzoldt, John Renne, Charles Hughes, Ilmer Burroughs, Karen Schmidt, Daniel Steffens, William & Gail Linamen, Rita Whaley, Glenn Birk, Ruth Ann Boxdorfer, Mary Renne, Laura Klinkhardt, Linda Holt, Mark Kaempfe, S. Lueders, Roger Versemann, Wayne & Marilyn Steffens, Renee Kaempfe, Kristine Coe, Daniel & Darlene Kiefer, Don Mueller, Rick Tiehes, Gary Klinkhardt, Lori Steffens, Alan Versemann, Karla Versemann, Robert Birk, Amy Birk, Bill Holt, Cletus & Ruby Steffens, Linda Dreyer, Mahela Lueders, Gary Messmer, William & Lydia Bohnert, Margaret Makins, Dennis & Diane Leimbach, Geroid Lix, Anna Culbertson, Jody R. Geiser, Linda Verseman, Delores Eifert, Davis Charles Eifert, Mrs. Idalia Abernathy, Kenneth Steffens, Kenneth Abernathy, Rich & Kathy Steffens, Dr. Craig Ernstmeyer, Wanda Steffens, Maurice Lange, Kelly Johnson, Morris Owens, Donald and Carolyn Cannon, David Hunt, Dan & Rahe Wise, Earl Hacker President PWSD #1, Robert Leible Board Member PWSD #1, Bruce Lorenz Board Member PWSD #1, Darren Bell Board Member PWSD #1, Judith Owens, Robert Schlichting, Rich & Kathy Steffens, Janine Pfanstiel, Lynne Cairns, Richard Cairns, Grace M. Albrecht, Kathy Harris, Clay Roth, Dan Roth, Sandy Roth, Brad H. Weber, Rita A. Weber, Donald Palisch, Linda Palisch, Dorene Grebing, Bruce & Kim King, Scott Engert, Margie Engert, Linda & Bruce Engert, Patricia L. Callier, Lovaira Bock, Stan & Shirley Popp, Joe & Ramona Nenninger, Paul & Carolyn Bollinger, Ron Wahlers, Kathy Schlichting, Robert Schlichting, Gayla Ressel, Michael & Kimberley Pohlman, Pamela Dooley, Eric Ressel, Frances

Reid, Karen Sutterer, Julie Hughes, Joe & Jane Kurre, Timothy Sutterer, Virginia Wahlers, Dennis Stowers, Bradley & Patricia Schwab, Lacey Hemman, Doug Hemann, Aimee Stowers, Todd Petzoldt, Rachel Leadbetter, Indi Braden, Tamera Petzoldt, Mr. & Mrs. Dillman Starzinger, Kathy Heise, Laurie Heise, Harold Kent & Rebecca Witherby, Charles Wayne Heise, Lynn Winter, Paul Horn, David Shorr, Donna Pry, J. D. Lochmann, Michael & Patricia Kim, Tommy Petzoldt, Tyson & Carrie Wunderlich, Lauri Spain, Kim R. Moore, Rev. Ken Olson, Mathew Olson, Paulette Olson, David & Stacy James, Bonnie Hemman, Dale Steffens, Norvald & Nancy Reppen, Helen Steffens, Wendell Mueller, Adam Steffens, Carol Steffens, Kim Mueller, Matt Kiefner, Paige Kiefner, Karla Kiefner, Bill & Betty Heisserer, Richard & Carol Dippold, Rep. Scott Lipke & Gary Steffens, Sanda Fluegge, Larry Fluegge, Elsie & Ramond Siebert, Dorothy Seabaugh, Jerry Lewis, Marjorie Suedekum, Linzel Fulton, Ruth Kasten, Don & Sue Hellwege, Marlene Roth, Gloria Kaiser, Virgil & Barbara Theiss, Frank Zieba, Marie Lange, Dale Kester, Ruth Edwards, Charles Vaughn, Anna Hickam, Ronald Lessmann, Helen Meyer, Patricia Lessmann, Archie & Mae Sue Sprengel, Eileen Tripp, Jeffery UN, Rita Kester, Bill Shrum, Nancy Kester, Mable Shrum, Edwin & Barbara Smith, Rev. Loren Boettcher, Joyce Jansen, Norma Boettcher, Leon Ainsworth, Allene Ainsworth, Max Weiser, Rick & Judy Weiser, John & Jane Kenner, Christopher Roth, Betty M. Roth, John Muench, Martha Muench, Beverly Lewis, Lori Zieba, Donald Hopper, Carolyn Hopper, Archie & Mae Sue Sprengel, Gary Kester, Martin Roth, Harry Bertrand, Dorothy Bertrand, Jerry Kasten and Kathy McCaun.

Response: We are placing the request for a hearing on the Missouri Land Reclamation Commission's January 27th, 2011 agenda. The decision as to whether or not a formal hearing will be granted rests solely with the Missouri Land Reclamation Commission. In order for the commission to grant a formal hearing, the petitioners must first establish standing. The petitioners are said to have standing if the petitioners provide good faith evidence of how their health, safety or livelihood will be unduly impaired by the issuance of the permit. The impact to the petitioner's health, safety and livelihood must be within the authority of any environmental law or regulation administered by the Missouri Department of Natural Resources.

The request for hearing will be presented to the Land Reclamation Commission on January 27, 2011 at 10:00 AM. The location will be at the Missouri Department of Natural Resources, Elm Street Office Complex, Bennet Springs and Roaring River Conference rooms, 1730 East Elm, Lower Level, Jefferson City, Missouri. If the Commission grants the requests for a hearing, the actual hearing will be scheduled at a later date. It should be understood that if a hearing is granted, the burden of proof shall be on the applicant for the permit. If the Commission finds, based on competent and substantial scientific evidence on the record of the hearing, that an interested party's health, safety or livelihood will be unduly impaired by the issuance of that permit, the Commission may deny such permit.

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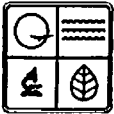


MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM

PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES - 10 CSR 40-10.020(1)

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL Strack Excavating LLC		DATE 09/16/2010	
MAILING ADDRESS 5120 State Hwy 74		CITY Cape Girardeau	STATE Mo
		ZIP CODE 63701	
CONTACT PERSON Jo Wayne Strack		TELEPHONE NUMBER WITH AREA CODE 573-335-9430	
CHECK ANY THAT APPLY <input type="checkbox"/> New Permit <input type="checkbox"/> Permit Amendment <input type="checkbox"/> Permit Revision <input checked="" type="checkbox"/> Permit Expansion			
Site Name or Number	Acreage	Location: County, Section, Township, Range (east or west)	
1. Strack Quarry - Site #2	20	Cape Girardeau, 20, Landgrant 2192, 32N, 13E	
2.			
3.			
4.			
5.			
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ATTACH ADDITIONAL SHEETS IF NECESSARY - SIGNATURE AND NOTARIZATION REQUIRED FOR ALL APPLICANTS			
SIGNATURE OF APPLICANT 		TITLE Managing Member	DATE 09/16/2010
Appeared before me this <u>29th</u> day of <u>October</u> , 20 <u>10</u> , to me personally known, who executed the above as their free acts and deeds.			
NOTARY PUBLIC EMBOSSE	STATE <u>Missouri</u>	COUNTY (OR CITY OF ST. LOUIS) <u>Bollinger</u>	
ANGELA L. DAVIS Notary Public - Notary Seal STATE OF MISSOURI Bollinger County My Commission Expires 7-15-2013 Commission #09491191	SUBSCRIBED AND SWORN BEFORE ME, THIS <u>29th</u> DAY OF <u>October</u> YEAR <u>2010</u>		RUBBER STAMP CLEAR AREA BELOW
	NOTARY PUBLIC SIGNATURE 	MY COMMISSION EXPIRES <u>7-15-2010</u>	
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <u>Angela L. Davis</u>		
MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND RECLAMATION PROGRAM P.O. BOX 176 JEFFERSON CITY, MO 65102-0176 PHONE: 573-751-4041 FAX: 573-751-0534			
Mail completed copy to:			
FOR DEPARTMENT USE ONLY: APPROVED BY	DATE APPROVED	PERMIT NUMBER	EXPIRATION DATE

NOV 04 2010



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES
FEES AND BONDING WORKSHEET – 10 CSR 40-10.020(2)(F)&(G)

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL Strack Excavating LLC		DATE 09/16/2010
FEES: COMPLETE SECTION I OR SECTION II		
SECTION I. FEES: OPEN PIT OPERATORS AND THOSE MINING MORE THAN 5,000 TONS OF SAND AND/OR GRAVEL		
1.1 To compute the site fee complete the columns and lines below		
CHECK ANY THAT APPLY <input type="checkbox"/> New Permit <input type="checkbox"/> Permit Amendment <input type="checkbox"/> Permit Revision <input checked="" type="checkbox"/> Permit Expansion		
Site Name or Number (add a separate sheet for additional sites)	Mark each month that the site will be operated during the permit year	For sites operated less than six months per year pay \$200 . For sites operated six months or more per permit year pay \$400 .
Strack Quarry - Site #2	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$ 400.00
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
	Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.	\$
TOTAL SITE FEE		\$ 400.00
1.2 Acreage fee: \$10 x 20 number of acres bonded		\$ 200.00
1.3 Annual permit fee:		\$ 800
1.4 Total Fee: Add Totals from 1.1, 1.2 and 1.3		\$ 1400.00
Note: The Industrial Minerals Fee maximum is \$3,000. If Total Fee exceeds \$3,000, pay only		\$ 3,000
SECTION II. FEES: SAND AND/OR GRAVEL OPERATORS MINING LESS THAN 5,000 TONS PER YEAR		
2.1. Annual Permit Fee		\$ 300
SECTION III. BONDING – FOR ALL EXCEPT IN-STREAM MINE SITES		
3.1 For sand and gravel operators mining less than 5,000 tons/year		
Number of new acres x \$500 per acre		\$
3.2 For all other open pit operations		
Minimum per permit		\$ 0,000
Acreage over 8 acres 20 x \$500 per acre		\$ 10,000.00
TOTAL BONDING REQUIRED		
<input type="checkbox"/> Check here if adequate bonding is already posted.		\$ 10,000.00

NOV 04 2010



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES
GEOLOGIC RESOURCES FEE WORKSHEET - 256.700 RSMo.

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL Strack Excavating LLC		PERMIT NUMBER 0832	DATE 09/16/2010
MAILING ADDRESS 5120 State Hwy 74	CITY Cape Girardeau	STATE MO	ZIP CODE 63701
CONTACT PERSON Jo Wayne Strack		TELEPHONE NUMBER WITH AREA CODE (573) 335-9430	

TYPE OF PERMIT REQUEST - CHECK ANY THAT APPLY

☐ New Permit ☐ Permit Renewal ☐ Permit Amendment ☒ Permit Expansion

Site Name or Number	Acreage	Location: County, Section, Township, Range (east or west)	Commodity
1. Strack Quarry - Site #2	20	Cape Girardeau, 20, Landgrant 2192,32N,13E	Limestone
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

FEES

A. Annual Permit Fee (\$50 per operator)	\$50
B. Site Fee (\$50 per site)	\$ 50.00
C. Acreage Fee: (\$6 per acre on first 300 acres bonded; plus \$3 per bonded acre in excess of 300 acres)	\$ 120.00
Total: (add items A, B and C)	\$ 170.00
Note: Maximum Geologic Resources Fee per operator is \$3,500. If total exceeds \$3,500 then only pay	\$3,500

Note: Operators mining less than 5,000 tons of gravel annually are exempt.

Mail completed copy to:
MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
P.O. BOX 176
JEFFERSON CITY, MO 65102-0176
PHONE: 573-751-4041
FAX: 573-751-0534

SIGNATURE OF APPLICANT 	TITLE Managing Member	DATE 09/16/2010
----------------------------	---------------------------------	---------------------------

NOV 04 2010



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
SITE INFORMATION

COMPLETE THIS FORM FOR EACH SEPARATE AREA OF DISTURBANCE ASSOCIATED WITH MINING OPERATIONS

SITE

SITE NAME OR NUMBER

Strack Quarry - Site #2

PERMIT NUMBER

0832

COMPANY

Strack Excavating LLC

COUNTY

Cape Girardeau

¼ SECTION

SE

SECTION

20, Landgrant 2192

TOWNSHIP

32 North

RANGE

13 East

ACRES

76

RIVER OR STREAM NAME (FOR IN-STREAM ACRES)

Not Applicable

MINERAL COMMODITY

Limestone

ESTIMATED TONS/YEAR (GRAVEL SITES)

Not Applicable

LANDOWNER

NAME OF LANDOWNER (COMPLETE A SEPARATE FORM FOR EACH LANDOWNER)

Jo Wayne Strack

MAILING ADDRESS

5120 State Hwy 74

CITY

Cape Girardeau

STATE

MO

ZIP CODE

63701 -

☐ Mineral Deed

☐ Lease

DATE OF AGREEMENT

☒ Warranty Deed

☐ Verbal

07/15/2010

☐ Other (Describe):

MINERAL RIGHTS OWNER

MINERAL RIGHTS OWNER (COMPLETE A SEPARATE FORM FOR EACH MINERAL RIGHTS OWNER)

Jo Wayne Strack

MAILING ADDRESS

5120 State Hwy 74

CITY

Cape Girardeau

STATE

MO

ZIP CODE

63701 -

☐ Mineral Deed

☐ Lease

DATE OF AGREEMENT

☒ Warranty Deed

☐ Verbal

07/15/2010

☐ Other (Describe):

Note: Each site must be shown on a map and be included in a public notice and an approved mine plan.

FOR DEPARTMENT USE ONLY

Land Reclamation Program Site Number _____



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
MINE PLAN

RECEIVED
MO. LAND RECLAMATION COMM.

NOV 04 2010

COMPANY NAME

Strack Excavating LLC

TYPE OF MINE PLAN (CHECK ONE)

☐ Short Term – for one permit year

☒ Long Term – for period through date 05/29/2111

DESCRIPTION OF SITE PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR), INCLUDING SOIL, VEGETATION AND TOPOGRAPHY.

This mine plan application pertains to an area of approximately 76 acres in size that includes an area of 20 acres that will be bonded. Both areas are shown on Detail Map #1. The mine plan area is slightly sloped and is about 10% wooded and 90% has been farmed for many years. The soil is classified as menfro silt loam and measures about 10 inches in depth. This area is bordered by private property on three sides and by my property on the west side. State highway 61 is about 1,400 feet to the west and access can be made by crossing my property. Also, this area makes contact with county road 601 at one point on the east side. Due to the size of this property and the unknown sales volume, a 100 year long-term mine plan will allow us adequate time to mine this area.

OPERATION PLAN – 10 SCR 40 – 10.020(2)(D)1

A. TOPSOIL

AVERAGE DEPTH OF TOPSOIL, PRIOR TO LAND RECLAMATION COMMISSION PERMITTING

10 inches

IS TOPSOIL TO BE SOLD OR DISCARDED OFF-SITE?

☒ Yes

☐ No

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL REMOVAL

After trees are cleared with bulldozers, the top 10 to 12 inches of soil will be removed with bulldozers, loaders, and scrapers. Topsoil will be removed during the summer months for areas that are to be mined the following year. Topsoil removal will be kept at least 20 feet ahead of pit excavation.

Because there is going to be a 55 acre water impoundment, approximately 55 acres of topsoil will be removed off-site and sold. An adequate amount of soil will be retained on-site, and kept on a bonded area to satisfy topsoil replacement requirements.

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL STORAGE AND PROTECTION

The loaders and scrapers will deposit the soil in long stockpiles along the north and east edges of the bonded area (see Detail Map #1). These stockpiles will be graded to a maximum slope of 33%, shaped and seeded (with pasture seed mix #2 on page three of this mine plan) on a permitted and bonded area to protect the piles from erosion.

PERMIT NUMBER

0832

SITE NAME

Strack Quarry - Site #2

LAND RECLAMATION PROGRAM ASSIGNED SITE NUMBER

NOV 12 2010

B. SPOIL

DESCRIBE METHODS AND LOCATION OF SPOIL PLACEMENT AND DISPOSAL

The intent of this operation is to operate a "high-wall" quarry. That will result in an excavation with a flat floor below the existing water table. When mining is completed this mine area will become a lake. Therefore spoil could only be used to landscape around the perimeter of the pit. Needed spoil will be stockpiled for later use and will be shaped and seeded (with seed mix # 2 on page three of this mine plan) on a permitted and bonded area to protect the pile from erosion. The unneeded spoil will be removed off-site and sold.

C. ACID MATERIALS

DESCRIBE METHODS AND EQUIPMENT USED FOR HANDLING ACID MATERIALS (IF NONE IS ANTICIPATED, WRITE "NONE" BELOW)

None Anticipated.

D. PIT INFORMATION (GIVE ALL DIMENSIONS IN FEET)

DESCRIBE LOCATION AND ORIENTATION OF PIT, IF NOT CLEAR ON SITE MAPS

See Detail Map # 1 for locations.

After the overburden has been removed, the first excavation will be in the west corner of the bonded area. From that point the pit will advance towards the east. The pit will have a "high-wall" and there will be a protective fence along the property line. Also, there will be a ridge maintained between the "high-wall" and the fence. No excavations will occur within the waterline easement along the North and East property line. There will be no excavation within 75 feet of a public road or 50 feet of a property line.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will any excavation be at or within 50' of the right-of-way of any public road?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will any highwall consisting of unconsolidated materials be left within 50 feet of the right-of-way of any public road? (Note: For unconsolidated materials left in place, a slope of no more than 40 degrees may start near the right-of-way, and in no case may the excavation be closer to the right-of-way than 50' or 25' plus 1 ½ time the depth of unconsolidated material, whichever is greater, unless a variance is granted by the Land Reclamation Commission.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will any excavation start at or within 50' of any property line? (Note: If the answer is yes, a safety barrier may be needed.)

PERMIT NUMBER
0832

SITE NAME
Strack Quarry - Site #2

LAND RECLAMATION PROGRAM ASSIGNED SITE NUMBER

NOV 12 2010

RECLAMATION PLAN – 10 CSR 40-10.020(2)(D)2**A. REVEGETATION (ATTACH ADDITIONAL SHEETS, IF NEEDED)**

REVEGETATION MIX #1 #1	PURPOSE OR LAND USE Wildlife	SEEDING OR PLANTING TIME Spring 3/15 thru 5/1 and/or Fall 8/15 thru 10/1
---------------------------	---------------------------------	---

DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING

During the first spring following topsoil replacement, the seed mix will be broadcast and harrowed. After grass has grown sufficient enough to control erosion, trees and shrubs will be hand planted. Reseeding will be done as needed. Lime and fertilizer will be applied according to recommendations based upon soil test analyses from a qualified lab. Mulch will be applied to all slopes exceeding 5:1.

Lime and fertilizer will be applied according to recommendations based upon soil analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

Seeded Species	Pounds/Acre	Tree or Shrub Species	Stems/Acre
Orchard Grass	30	Pine	75
Red Clover	10		
Korean Lespedeza	10		

REVEGETATION MIX #1 #2	PURPOSE OR LAND USE Wildlife	SEEDING OR PLANTING TIME Spring 3/15 thru 5/1 and/or Fall 8/15 thru 10/1
---------------------------	---------------------------------	---

DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING

During the first spring following topsoil replacement, the seed mix will be broadcast and harrowed. After grass has grown sufficient enough to control erosion, trees and shrubs will be hand planted. Reseeding will be done as needed. Lime and fertilizer will be applied according to recommendations based upon soil analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

Lime and fertilizer will be applied according to recommendations based upon soil analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

Seeded Species	Pounds/Acre	Tree or Shrub Species	Stems/Acre
Orchard Grass	15		
Red Clover	15		
Alfalfa	10		

PERMIT NUMBER 0832	SITE NAME Strack Quarry - Site #2	LAND RECLAMATION PROGRAM ASSIGNED SITE NUMBER
-----------------------	--------------------------------------	---

NOV 04 2010

B. GRADING

DESCRIBE PROPOSED RECLAIMED TOPOGRAPHY, INCLUDING SLOPES

All spoil areas will be graded to slopes traversable by farm machinery.
The intent of this operation is to operate a "high-wall" mine and create a lake in the floor. The upper rim will have a minimum 12 inch depth of soil replacement and seeded with revegetation mix number #1.
Final pit will be allowed to fill with water and could be a recreation lake stocked with fish.

C. DESCRIBE THE GENERAL SEQUENCE AND TIMING OF THE FOLLOWING ACTIVITIES**GRADING**

Grading will be done as the pit advances. Final grading will be done within one year of mining completion date. The final graded slopes will not exceed a 3:1 ratio.

REPLACEMENT OF TOPSOIL

Topsoil will be replaced to a uniform depth of 12 inches, and disc to reduce compaction. Topsoil will be replace within one year of mining completion date. The final graded slopes will not exceed a 3:1 ratio

REVEGETATION

Prior to seeding, a soil test will be conducted in order to determine appropriate lime and fertilizer application requirements. All topsoil areas will be seeded during the first optimum seeding period following topsoil replacement.

AVERAGE DEPTH OF REPLACED TOPSOIL (INCHES)
Total depth of 12 inches

D. USE OF LAND WHEN RECLAIMED

Estimate acreage of each land use below, after reclamation	Estimated Acres
Wildlife (forest or other habitat with livestock excluded)	21
Agricultural (pasture, cropland and horticultural)	
Development (residential, industrial and recreational)	
Water Impoundments (for wildlife, agriculture or development)	55
PERMIT NUMBER 0832	SITE NAME Strack Quarry - Site #2
LAND RECLAMATION PROGRAM ASSIGNED SITE NUMBER	

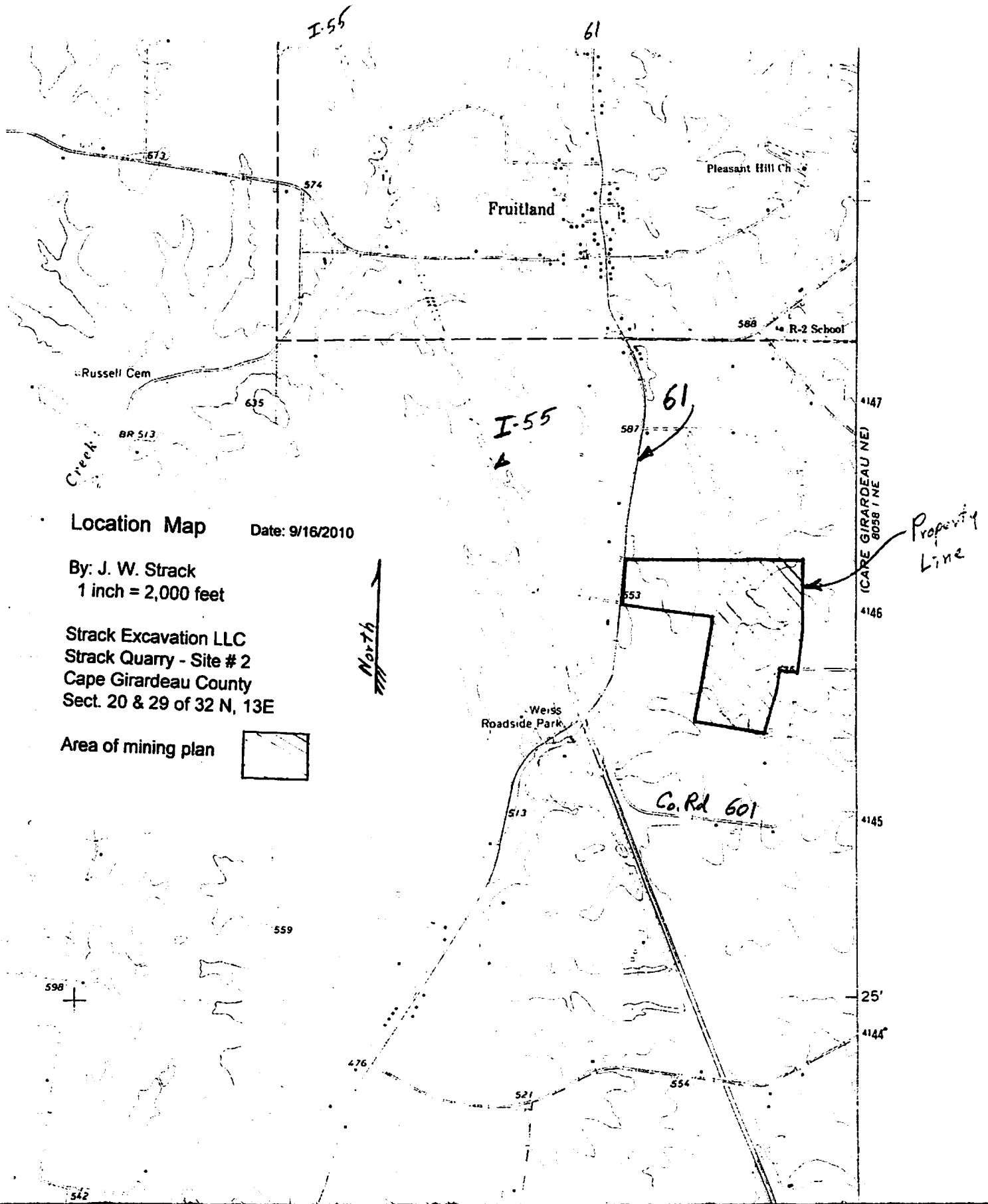
NOV 04 2010

By my signature, I attest to the following

- 1 All statements made on this Mine Plan Form are correct, complete and true, to the best of my knowledge
- 2 I or the company I am authorized to represent intend(s) to mine in accordance with this Mine Plan Form, and in accordance with the Missouri Land Reclamation Act, Sections 444.760 through 444.790, RSMo 2001, and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operations.
- 3 I have obtained the approval of all landowner's (for all lease agreements made after August 28, 1990 on leased land) for all proposed post-mining land uses.
- 4 I have obtained the approval of all landowner's, (for all lease agreements made after August 28, 1990 on leased land) for all proposed seed mixtures
- 5 I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and authorized representatives, and I grant such access, and further where I have no such right, I have attached signed affidavits from the landowners, granting such access.

SIGNATURE OF APPLICANT <i>Jo Wayne Hunt</i>		TITLE <i>Member</i>		DATE <i>9-16-10</i>	
NOT VALID UNLESS NOTARIZED	STATE <i>Missouri</i>		COUNTY, OR CITY OF ST. LOUIS <i>Cape Girardeau</i>		
	SUBSCRIBED AND SWORN BEFORE ME THIS <i>16th</i> DAY OF <i>September</i> YEAR <i>2010</i>		USE RUBBER STAMP IN CLEAR AREA BELOW. <div style="border: 2px solid black; padding: 5px; text-align: center;"> DEBRA K. JONES Notary Public-Notary Seal State of Missouri, Cape Girardeau County Commission # 06426481 My Commission Expires Nov 30, 2010 </div>		
	NOTARY PUBLIC SIGNATURE <i>Debra K Jones</i>				
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <i>Debra K Jones</i>				
FOR DEPARTMENT USE ONLY					
APPROVED BY			DATE APPROVED		
PERMIT NO.			SITE NUMBER NAME		

NOV 04 2010



Location Map

Date: 9/16/2010

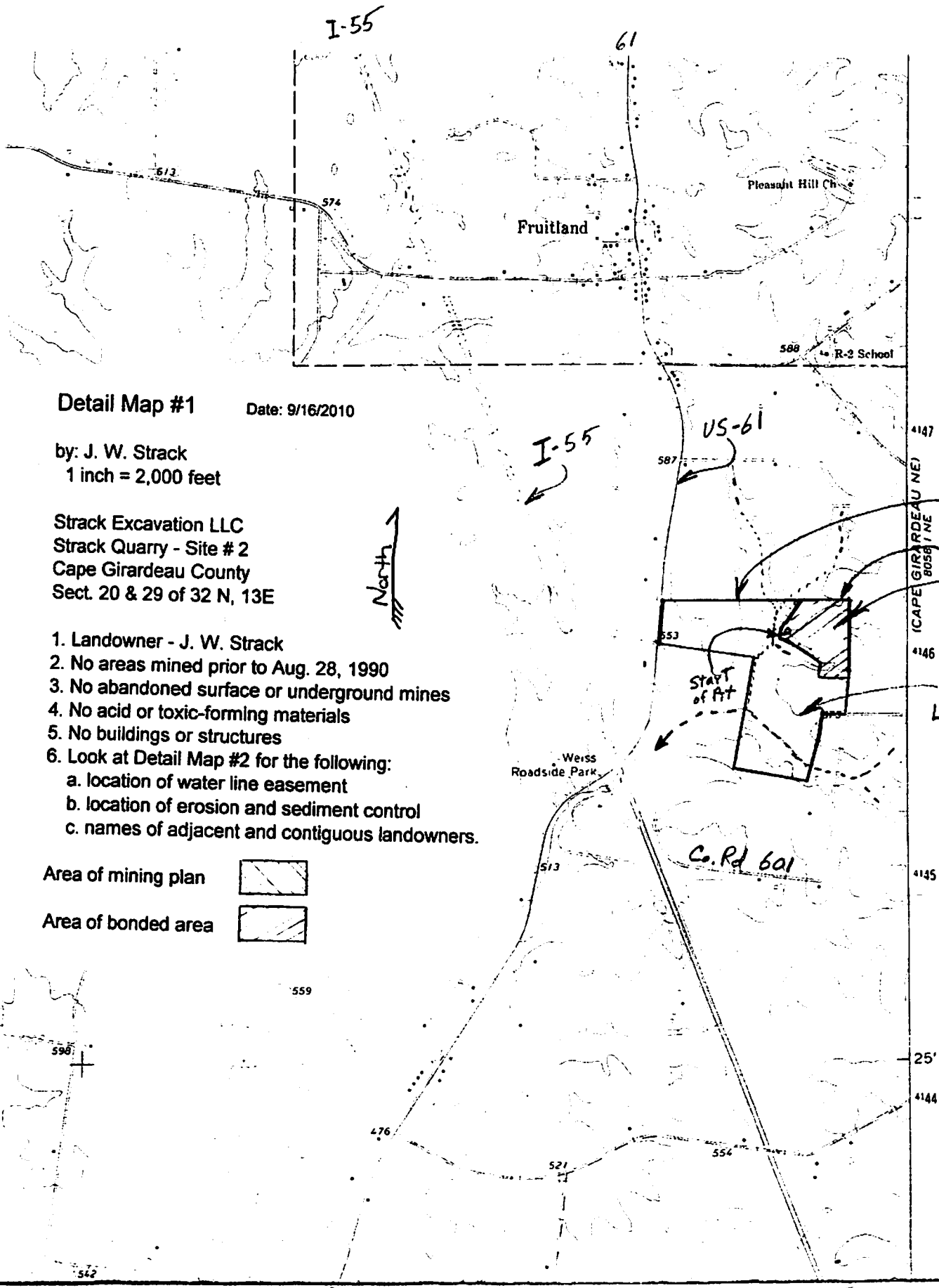
By: J. W. Strack
1 inch = 2,000 feet

Strack Excavation LLC
Strack Quarry - Site # 2
Cape Girardeau County
Sect. 20 & 29 of 32 N, 13E

Area of mining plan



NOV 04 2010



Detail Map #1

Date: 9/16/2010

by: J. W. Strack
1 inch = 2,000 feet

Strack Excavation LLC
Strack Quarry - Site # 2
Cape Girardeau County
Sect. 20 & 29 of 32 N, 13E

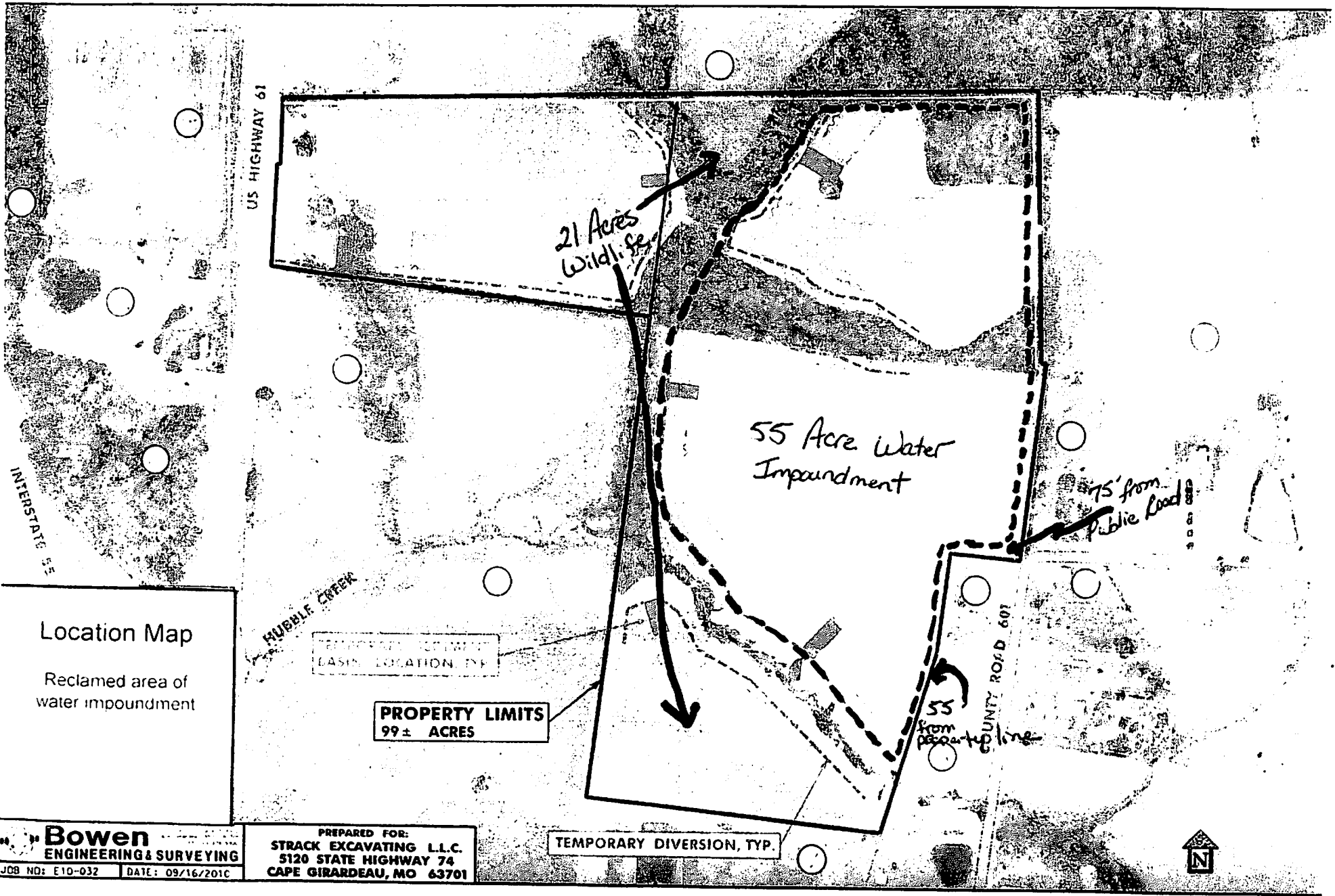
1. Landowner - J. W. Strack
2. No areas mined prior to Aug. 28, 1990
3. No abandoned surface or underground mines
4. No acid or toxic-forming materials
5. No buildings or structures
6. Look at Detail Map #2 for the following:
 - a. location of water line easement
 - b. location of erosion and sediment control
 - c. names of adjacent and contiguous landowners.

Area of mining plan



Area of bonded area





Location Map

Reclaimed area of
water impoundment

Bowen
ENGINEERING & SURVEYING

JOB NO: E10-032 DATE: 09/16/2010

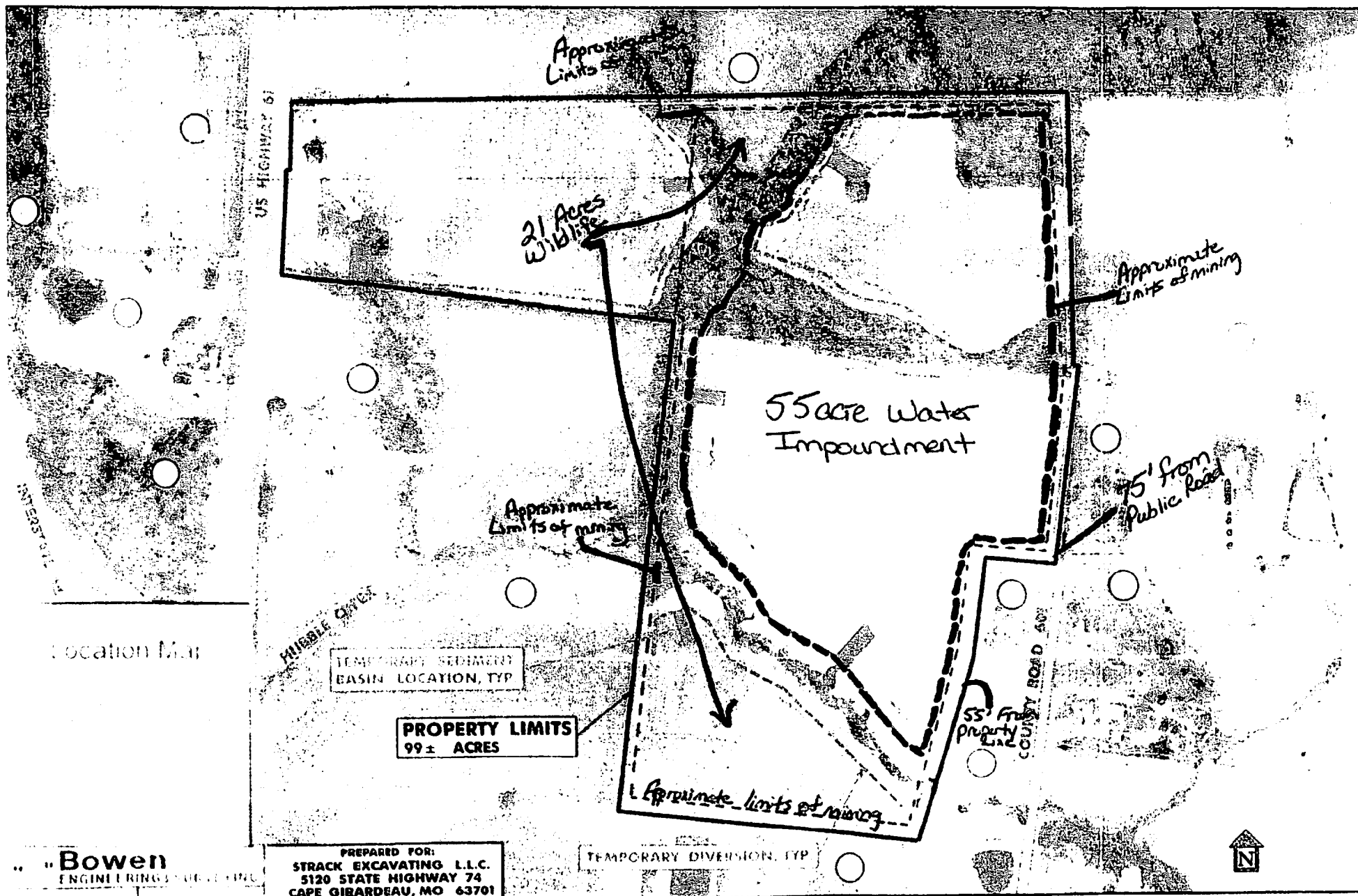
PREPARED FOR:
STRACK EXCAVATING L.L.C.
5120 STATE HIGHWAY 74
CAPE GIRARDEAU, MO 63701

TEMPORARY DIVERSION, TYP.

PROPERTY LIMITS
99 ± ACRES

RECEIVED
MO. LAND RECLAMATION COMM.

NOV 12 2010



09/16/2010

RECEIVED
MO. LAND RECLAMATION COMM.

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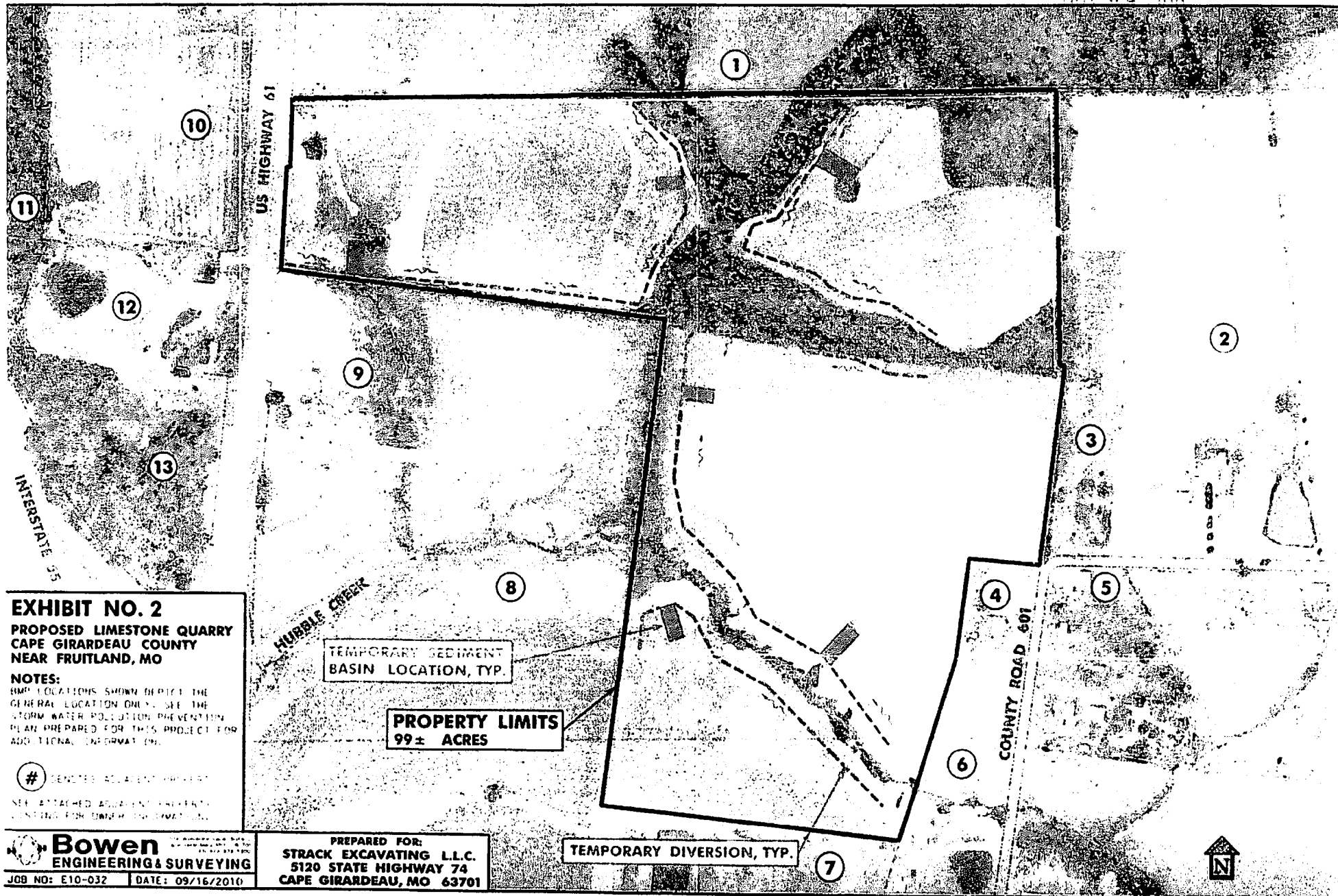


EXHIBIT NO. 2

PROPOSED LIMESTONE QUARRY
CAPE GIRARDEAU COUNTY
NEAR FRUITLAND, MO

NOTES:

IMP LOCATIONS SHOWN DEPICT THE
GENERAL LOCATION ONLY. SEE THE
STORM WATER POLLUTION PREVENTION
PLAN PREPARED FOR THIS PROJECT FOR
ADDITIONAL INFORMATION.

INDICATES ADJACENT PROPERTY

SEE ATTACHED ADJACENT PROPERTY
LISTING FOR OWNER INFORMATION.

Bowen
ENGINEERING & SURVEYING

JOB NO: E10-032 DATE: 09/16/2010

PREPARED FOR:
STRACK EXCAVATING L.L.C.
5120 STATE HIGHWAY 74
CAPE GIRARDEAU, MO 63701

REVISED ADJACENT PROPERTY LISTING
(Property owners with mailing addresses)

NOV 12 2010

(Listing updated November 8, 2010)

- 1) Walter S. Drush, 1029 Cathy Drive, Jackson, MO 63755
- 2) Shirley C. Hency Trust and Hency Farms, LLC, 976 County Road 601, Jackson, MO 63755
- 3) Anthony G. & Brenda K. Sample, 211 Computer Drive, Jackson, MO 63755
- 4) Mark & Melissa Whitaker, 985 County Road 411, Oak Ridge, MO 63769
- 5) Gary W. & Diane K. Laurentius, 1097 County Road 601, Jackson, MO 63755
- 6) Hoffmeister Real Estate, L.L.C., PO Box 331, Jackson, MO 63755
- 7) Saxony Lutheran High School, 2004 Saxony Drive, Jackson, MO, 63755
or 804 N. Cape Rock, Cape Girardeau, MO 63701
- 8) Hoffmeister Farms L.P., 5091 US Highway 61, Jackson, MO 63755
- 9) P & J Marketing (Rhodes 101), 5040 Highway 61 North, Jackson, MO 63755
- 10) Joe & Marie Hoffmeister, 5091 US Highway 61, Jackson, MO 63755
- 11) Fruitland Properties, LLC, 1903 Huntington, Cape Girardeau, MO 63701
- 12) Joe & Marie Hoffmeister, 5091 US Highway 61, Jackson, MO 63755
- 13) Fruitland Properties, LLC, 1903 Huntington, Cape Girardeau, MO 63701



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
COMPANY INFORMATION SECTION

RECEIVED
MO. LAND RECLAMATION COMM.

NOV 04 2010

SECTION I: COMPANY INFORMATION – 10 CSR 40-10.020(2)(A)8

A. The applicant is a:

☐ Corporation ☐ Partnership ☐ Single Proprietorship ☐ Association ☒ Other (Specify): Limited Liability Corporation

In order to receive a permit from the Land Reclamation Commission to conduct commercial surface mining, the applicant must be registered with the Secretary of State.

B. List the applicant and every person with the applicant in a management function responsible for compliance with sections 444.500 to 444.790 RSMo. The definition of "person associated with the applicant in a management function" means any proprietorship, subsidiary, corporation, sister corporation, successor corporation, or the applicant's officers and directors if the applicant is a corporation, and includes all partners if the applicant is a partnership.

As a practical guide, first consider who is "responsible for compliance." Only list names of individuals or companies responsible for the applicant's compliance. For ownership, list only an individual or company that holds 51 percent or more of the value of the applicant's company and who is responsible for compliance.

☒ If no other individuals or companies are associated with the applicant, please check the box at the left, and continue on to Section II – Permit Information Form

NAME		TELEPHONE NUMBER WITH AREA CODE	
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS	
CITY	STATE	ZIP CODE	
OWNER <input type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION – SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF	
BEGINNING DATE OF TERM		ENDING DATE OF TERM	
NAME		TELEPHONE NUMBER WITH AREA CODE	
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS	
CITY	STATE	ZIP CODE	
OWNER <input type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION – SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF	
BEGINNING DATE OF TERM		ENDING DATE OF TERM	
NAME		TELEPHONE NUMBER WITH AREA CODE	
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS	
CITY	STATE	ZIP CODE	
OWNER <input type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION – SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF	
BEGINNING DATE OF TERM		ENDING DATE OF TERM	

NOV 04 2010

NAME		TELEPHONE NUMBER WITH AREA CODE
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS
CITY	STATE	ZIP CODE
OWNER <input type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION - SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF
BEGINNING DATE OF TERM		ENDING DATE OF TERM

SECTION II: PERMIT INFORMATION - 10 CSR 40-10.020(2)(A)7

List every permit held by the applicant and any entity listed in SECTION I: COMPANY INFORMATION. This means a permit issued only by the Department of Natural Resources' Land Reclamation Commission, including those that may have been revoked, suspended, expired or bond released.

☐ If no other permits have been issued by the Land Reclamation Commission to the applicant or any other entity associated with the applicant, check the box at the left, sign the last page of this form and have the signature notarized.

NAME OF PERMIT HOLDER Jo Wayne Strack	PERMIT NUMBER 0832
COMPANY NAME ON PERMIT Strack Excavating LLC	
NAME OF PERMIT HOLDER Jo Wayne Strack	PERMIT NUMBER 0993
COMPANY NAME ON PERMIT Strack Stone - Lodi LLC	
NAME OF PERMIT HOLDER	PERMIT NUMBER
COMPANY NAME ON PERMIT	
NAME OF PERMIT HOLDER	PERMIT NUMBER
COMPANY NAME ON PERMIT	
NAME OF PERMIT HOLDER	PERMIT NUMBER
COMPANY NAME ON PERMIT	
NAME OF PERMIT HOLDER	PERMIT NUMBER
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NAME OF PERMIT HOLDER	PERMIT NUMBER
COMPANY NAME ON PERMIT	
NAME OF PERMIT HOLDER	PERMIT NUMBER
COMPANY NAME ON PERMIT	
NAME OF PERMIT HOLDER	PERMIT NUMBER
COMPANY NAME ON PERMIT	

NOV 04 2010

SECTION III: NOTARIZED SIGNATURE

Note: This form is required with each new permit or when transferring an existing permit or if one has never been completed or if there is a change in management positions.

By signing this form the applicant verifies all information contained in the form is correct, complete and true to the best of your knowledge

SIGNATURE OF APPLICANT

Wayne Shub

TITLE

Member

DATE

9-16-10

appeared before me this 16th day of September 2010, to me personally known who executed the above as their free acts and deeds

NOTARY PUBLIC EMBOSSE

STATE

Missouri

SUBSCRIBED AND SWORN BEFORE ME THIS

16th DAY OF September

YEAR 2010

NOTARY PUBLIC SIGNATURE

Debra K Jones

NOTARY PUBLIC NAME (TYPE OR PRINTED)

Debra K Jones

COUNTY OR CITY OF ST LOUIS

Cape Girardeau

RUBBER STAMP CLEAR AREA BELOW

MY COMMISSION EXPIRES

11-30-2010

DEBRA K. JONES
Notary Public-Notary Seal
State of Missouri, Cape Girardeau County
Commission # 06426481
My Commission Expires Nov 30, 2010

Mail completed copy
to

MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
P.O. BOX 176
JEFFERSON CITY, MO 65102-0176
PHONE 573-751-4041
FAX 573-751-0534

FOR DEPARTMENT USE ONLY APPROVED BY

DATE APPROVED

PERMIT NUMBER

EXPIRATION DATE

NOV 04 2010



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
SURETY BOND - SURFACE MINING OF MINERALS

SURETY COMPANY BOND NUMBER: 55194868

KNOW ALL MEN BY THESE PRESENTS, That the undersigned Strack Excavating, LLC
of 5120 State Highway 74, Cape Girardeau, MO 63701 as principal,
and United Fire & Casualty Company
of PO Box 73909, Cedar Rapids, IA 52407 as surety are held
and firmly bound unto the State of Missouri, Land Reclamation Commission, in the penal sum of Fourteen Thousand dollars
for the payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, administrators,
executors, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas, the above named principal did on the 4th
day of October, 2010, file with the Land Reclamation Commission an application to secure a permit to
engage in surface mining in the State of Missouri, under the terms and provisions of Sections 444.760 to 444.790, RSMo, that in
said application the principal estimated 20 acres of land are affected or will be affected by surface mining during the
period corresponding with Permit No. _____

Now if the said principal faithfully performs all requirements of the Land Reclamation Act and complies with all rules of the Land
Reclamation Commission at 10 CSR Division 40 and satisfactorily reclaims all lands within the State of Missouri affected by surface
mining by said principal under permit in accordance with Sections 444.760 to 444.790, RSMo then this obligation shall be null and
void; otherwise it shall remain in full force and effect.

The Surety shall not cancel this bond, for any reason whatsoever, including, but not limited to, nonpayment of premium,
bankruptcy or insolvency of the Principal, or issuance of notices of violations or cessation orders and assessment of penalties with
respect to the operations covered by this bond, unless the Surety shall first give actual notice in writing to both the Commission and
the Principal of intent to cancel the bond, stating the reasons therefore, 90 days in advance of such cancellation. The obligations of
the bond may not be cancelled as to acreage affected prior to the expiration of the 90 day notice period.

Application for release of the obligations of this bond may be made to the Commission in accordance with the provisions of
Sections 444.760 and 444.790, RSMo.

PRINCIPAL'S SIGNATURE		
SIGNATURE <i>[Signature]</i>	PRINTED NAME <u>30 Wayne Strack</u>	OFFICIAL TITLE <u>Member</u>
NOTARY SIGNATURE		
NOTARY PUBLIC EMBOSSEER OR BLACK INK RUBBER STAMP SEAL	STATE OF <u>Missouri</u> SUBSCRIBED AND SWORN BEFORE ME, THIS <u>14th</u> DAY OF <u>Oct.</u> YEAR <u>2010</u> NOTARY PUBLIC SIGNATURE <i>[Signature]</i> NOTARY PUBLIC NAME (PRINTED) <u>Angela L. Davis</u>	COUNTY (OR CITY OF ST. LOUIS) <u>Bollinger</u> USE RUBBER STAMP IN CLEAR AREA BELOW

ANGELA L. DAVIS
Notary Public - Notary Seal
STATE OF MISSOURI
Bollinger County
My Commission Expires 7-15-2013
Commission #09491191

NOV 04 2010

SURETY'S SIGNATURE							
SIGNATURE <i>Barbara Flieg</i>		PRINTED NAME Barbara Flieg					
		OFFICIAL TITLE Attorney-In-Fact					
NOTARY SIGNATURE							
NOTARY PUBLIC EMBOSSE OR BLACK INK RUBBER STAMP SEAL	STATE OF Missouri		COUNTY (OR CITY OF ST. LOUIS) Ste Genevieve				
	SUBSCRIBED AND SWORN BEFORE ME, THIS 5 DAY OF October YEAR 2010						
	NOTARY PUBLIC SIGNATURE <i>Tania Hoehn</i>		USE RUBBER STAMP IN CLEAR AREA BELOW TANIA HOEHN My Commission Expires September 18, 2014 Ste. Genevieve County Commission #10394055				
	NOTARY PUBLIC NAME (PRINTED) Tania Hoehn						
<p>The amount of this bond shall be calculated as follows: \$8,000 for each permit up to eight acres and \$500 for each acre or portion thereafter of land to be affected by mining operations. Bonding requirements are per 444.778, RSMo.</p> <p>Where one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with the bond.</p> <p>Any notices to or correspondence with the surety hereunder shall be to the following name and address:</p> <p>BONDING COMPANY NAME United Fire & Casualty Company</p> <table border="1"> <tr> <td>ADDRESS PO Box 73909</td> <td>CITY Cedar Rapids</td> <td>STATE IA</td> <td>ZIP CODE 52407</td> </tr> </table>				ADDRESS PO Box 73909	CITY Cedar Rapids	STATE IA	ZIP CODE 52407
ADDRESS PO Box 73909	CITY Cedar Rapids	STATE IA	ZIP CODE 52407				
OFFICE USE ONLY							
BOND ACCEPTED BY THE CLERK OF SUPERIOR COURT							

CERTIFIED COPY OF POWER OF ATTORNEY

(Original on file at Home Office of Company - See Certification)

NOV 04 2010

KNOW ALL MEN BY THESE PRESENTS, That the UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa, and having its principal office in Cedar Rapids, State of Iowa, does make, constitute and appoint R LEE LOTTES, OR BARBARA FLIEG, OR VICKIE WINKLER, OR KACEY GEGG, OR GREGORY T LOTTES, ALL INDIVIDUALLY of SAINTE GENEVIEVE MO

its true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature as follows: All bonds not to exceed \$10,000,000.00 and to bind UNITED FIRE & CASUALTY COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of UNITED FIRE & CASUALTY COMPANY and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

The Authority hereby granted shall expire 19th day of March, 2012 unless sooner revoked.

This power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by Board of Directors of the Company on April 18, 1973.

"Article V - Surety Bonds and Undertakings"

Section 2, Appointment of Attorney-in-Fact. "The President or any Vice President, or any other officer of the Company may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby, such signature and seal, when so used, being adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed. Such attorneys-in fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President, the Board of Directors or any other officer of the Company may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the UNITED FIRE & CASUALTY COMPANY has caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 19th day of March, 2010



UNITED FIRE & CASUALTY COMPANY

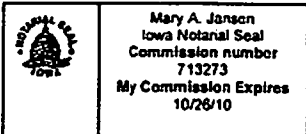
By *Dennis J. Richmann*

Vice President

State of Iowa, County of Linn, ss:

On 19th day of March, 2010, before me personally came Dennis J. Richmann

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of the UNITED FIRE & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Mary A. Jansen

Notary Public

I, the undersigned officer of the UNITED FIRE & CASUALTY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the by-laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Company this 4th day of October 20 10.

David A. Jansen

Secretary

UNITED FIRE & CASUALTY

RECEIVED
MO LAND RECLAMATION COMM.

RIDER

NOV 04 2010

TO BE ATTACHED TO AND FORM PART OF

License and Permit Bond No. 55202379 In favor of MISSOURI DEPT OF NATURAL
RESOURCES LAND RECLAMATION COM on behalf of STRACK EXCAVATING & HAULING, LLC

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that
may be properly chargeable as a result of this rider.

1. The Surety hereby gives it consent to

Change the Bond Number 55194868

From: 55194868
To: 55202379

Effective Date 10/04/2010

2. PROVIDED, however, that the attached bond shall be subject to all its agreements, limitations, and conditions
except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached
bond as changed by this rider shall not be cumulative.

3. Signed, and sealed this 10/19/2010

ACCEPTED BY:

UNITED FIRE & CASUALTY COMPANY

(Title)

By:


ATTORNEY-IN-FACT

UNITED FIRE & CASUALTY COMPANY
HOME OFFICE - CEDAR RAPIDS, IOWA
CERTIFIED COPY OF POWER OF ATTORNEY

RECEIVED
MO. LAND RECLAMATION COMM.

(Original on file at Home Office of Company - See Certification)

NOV 04 2010

KNOW ALL MEN BY THESE PRESENTS, That the UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa, and having its principal office in Cedar Rapids, State of Iowa, does make, constitute and appoint RANDY A. RAMLO, OR DAVID LANGE, OR DENNIS J. RICHMANN, OR ARTHUR J. FEARN, OR DAVID G. DENNIS, OR MICHAEL D. MAY, OR D. MICHAEL HAYS, OR JUDITH A. DAVIS, OR MARY A. JANSEN, OR KEVIN F. FLOOD, OR KYANNA WIESLER, OR JEREMY LEWIS, OR PATRICIA WIEBEL, OR PHILIP E. MORGETTE, OR ALLISON NISSEN, OR PATTI WADDELL, ALL INDIVIDUALLY OF CEDAR RAPIDS IA

its true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature as follows: Any and All Bonds and to bind UNITED FIRE & CASUALTY COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of UNITED FIRE & CASUALTY COMPANY and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

The Authority hereby granted is continuous and shall remain in full force and effect until revoked by UNITED FIRE & CASUALTY COMPANY.

This power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by Board of Directors of the Company on April 18, 1973.

"Article V - Surety Bonds and Undertakings"

Section 2, Appointment of Attorney-in-Fact. "The President or any Vice President, or any other officer of the Company may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed. Such attorneys-in fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President, the Board of Directors or any other officer of the Company may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the UNITED FIRE & CASUALTY COMPANY has caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 6th day of July, 2010



UNITED FIRE & CASUALTY COMPANY

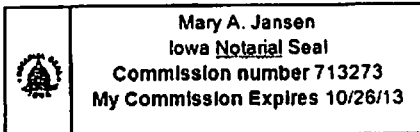
By *Dennis J. Richmann*

Vice President

State of Iowa, County of Linn, ss:

On 6th day of July, 2010, before me personally came Dennis J. Richmann

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of the UNITED FIRE & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Mary A. Jansen

Notary Public

I, the undersigned officer of the UNITED FIRE & CASUALTY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the by-laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Company this 19th day of October 20 10.

David A. Jansen

Secretary

#41

RECEIVED
MO. LAND RECLAMATION COMM.

RIDER

NOV 04 2010

TO BE ATTACHED TO AND FORM PART OF

LICENSE AND PERMIT BOND NO. 55-178780 IN FAVOR OF MISSOURI DEPT. OF NATURAL
RESOURCES LAND AND RECLAMATION COMMISSION ON BEHALF OF STRACK EXCAVATING
LLC EFFECTIVE 01/26/2002

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider.

1. The Surety hereby gives its consent to:

- ☐ INCREASE
- ☐ CHANGE THE NAME OF THE PRINCIPAL
- ☐ DECREASE
- ☐ CHANGE THE ADDRESS OF THE PRINCIPAL
- ☐ CHANGE THE EFFECTIVE DATE
- ☐ CHANGE THE EXPIRATION DATE
- ☒ OTHER CHANGE BOND NUMBER

of the attached bond

FROM: 55-178780

TO: 55-202348

EFFECTIVE: 01/26/11

2. PROVIDED, however, that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

3. Signed, and sealed this 4TH day of OCTOBER, 2010.

ACCEPTED BY:

UNITED FIRE & CASUALTY COMPANY

Title

By: Patti Woodhull

Attorney-in-Fact

UNITED FIRE & CASUALTY COMPANY
HOME OFFICE - CEDAR RAPIDS, IOWA
CERTIFIED COPY OF POWER OF ATTORNEY

(Original on file at Home Office of Company - See Certification)

RECEIVED
MO. LAND RECLAMATION COMM.

NOV 04 2010

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its true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature as follows: Any and All Bonds

and to bind UNITED FIRE & CASUALTY COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of UNITED FIRE & CASUALTY COMPANY and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

The Authority hereby granted is continuous and shall remain in full force and effect until revoked by UNITED FIRE & CASUALTY COMPANY.

This power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by Board of Directors of the Company on April 18, 1973.

"Article V - Surety Bonds and Undertakings"

Section 2, Appointment of Attorney-in-Fact. "The President or any Vice President, or any other officer of the Company may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed. Such attorneys-in fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President, the Board of Directors or any other officer of the Company may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the UNITED FIRE & CASUALTY COMPANY has caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 6th day of July, 2010



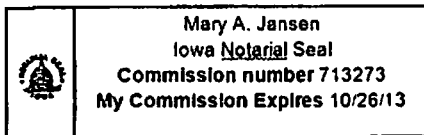
UNITED FIRE & CASUALTY COMPANY

By Dennis J. Richmann
Vice President

State of Iowa, County of Linn, ss:

On 6th day of July, 2010, before me personally came Dennis J. Richmann

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of the UNITED FIRE & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Mary A. Jansen

Notary Public

I, the undersigned officer of the UNITED FIRE & CASUALTY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the by-laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Company this 4th day of October 20 10.

David A. Lange

Secretary

UNITED FIRE & CASUALTY

RECEIVED
MO. LAND RECLAMATION COMM.

RIDER

NOV 12 2010

TO BE ATTACHED TO AND FORM PART OF

License and Permit Bond No. 55202379 In favor of MISSOURI DEPT OF NATURAL
RESOURCES LAND RECLAMATION COM on behalf of STRACK EXCAVATING & HAULING, LLC

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that
may be properly chargeable as a result of this rider.

1. The Surety hereby gives it consent to

Decrease Bond Amount

From: 14,000.00
To: 10,000.00
PERMIT #08032

Effective Date 10/04/2010

2. PROVIDED, however, that the attached bond shall be subject to all its agreements, limitations, and conditions
except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached
bond as changed by this rider shall not be cumulative.

3. Signed, and sealed this 10/27/2010

ACCEPTED BY:

UNITED FIRE & CASUALTY COMPANY

(Title)

By:

Patricia Waddell

ATTORNEY-IN-FACT

COPY

BOND0001 12 00

UNITED FIRE & CASUALTY COMPANY
HOME OFFICE - CEDAR RAPIDS, IOWA
CERTIFIED COPY OF POWER OF ATTORNEY

RECEIVED
MO. LAND RECLAMATION COMM.

NOV 12 2010

(Original on file at Home Office of Company - See Certification)

KNOW ALL MEN BY THESE PRESENTS, That the UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa, and having its principal office in Cedar Rapids, State of Iowa, does make, constitute and appoint RANDY A. RAMLO, OR DAVID LANGE, OR DENNIS J. RICHMANN, OR ARTHUR J. FEARN, OR DAVID G. DENNIS, OR MICHAEL D. MAY, OR D. MICHAEL HAYS, OR JUDITH A. DAVIS, OR MARY A. JANSEN, OR KEVIN F. FLOOD, OR KYANNA WIESLER, OR JEREMY LEWIS, OR PATRICIA WIEBEL, OR PHILIP E. MORGETTE, OR ALLISON NISSEN, OR PATTI WADDELL, ALL INDIVIDUALLY of CEDAR RAPIDS IA

its true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature as follows: Any and All Bonds and to bind UNITED FIRE & CASUALTY COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of UNITED FIRE & CASUALTY COMPANY and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

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IN WITNESS WHEREOF, the UNITED FIRE & CASUALTY COMPANY has caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 6th day of July, 2010



UNITED FIRE & CASUALTY COMPANY

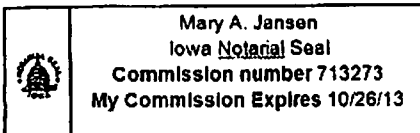
By *Dennis J. Richmann*

Vice President

State of Iowa, County of Linn, ss:

On 6th day of July, 2010, before me personally came Dennis J. Richmann

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of the UNITED FIRE & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Mary A. Jansen

Notary Public

I, the undersigned officer of the UNITED FIRE & CASUALTY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the by-laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

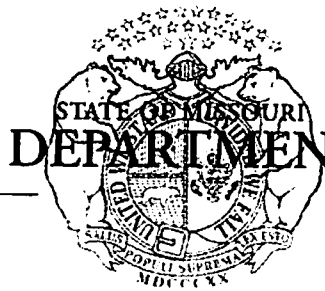


In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Company this 27th day of October 20 10.

COPY

David A. Jansen

Secretary



Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

CERTIFIED MAIL # 7008 2810 0000 2017 3153
RETURN RECEIPT REQUESTED

November 22, 2010

Mr. J.W. Strack
5120 State Highway 74
Cape Girardeau, MO 63701

Dear Mr. Strack:

The Missouri Department of Natural Resources, Land Reclamation Program deems your permit expansion application for Site #2 in Cape Girardeau County complete. Be aware, within the next ten days according to the Code of State Regulations at 10 CSR 40-10.020(2)(H) that Strack Excavating, L.L.C. must advertise a notice of intent to operate a surface mine in a newspaper qualified to publish public notices, pursuant to section 493.050 RSMo., in the county where the mine area is located. In addition, within the next ten days, Strack Excavating, L.L.C. must also send via certified mail a notice of permit application to the governing body of the county or city in which the proposed mine plan area is located and to the last known address of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area.

If some circumstance prevents Strack Excavating, L.L.C. from satisfying this critical ten-day window for advertising and mailing the notice of permit expansion, please contact me at the telephone number listed near the end of this letter, immediately. Thank you for your attention to satisfy public notification requirements concerning your permit expansion application.

After the public notice has been published and ran for once a week for four consecutive weeks we will need the publishers affidavit along with a copy of the public notice. We will also need the green card from the certified mail verifying delivery along with a copy of the letter sent to the County Commissioners and all other adjoining or adjacent landowners.

If you have any questions concerning the content of this letter, please contact me by telephone at (573) 751-8369 or in writing at P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

LAND RECLAMATION COMMISSION

A handwritten signature in black ink, appearing to read "Chris Thiltgen".

Chris Thiltgen
Environmental Specialist

CT:tb

Publisher's Affidavit

State of Missouri) ss.
County of Cape Girardeau)

Before me, the undersigned, a Notary Public, this day personally

came **Nancy Hutchings**

who, being first duly sworn, according to law upon his/her oath,

says that he/she is Bookkeeper
of the Southeast Missourian, a newspaper published in the city
of Cape Girardeau, in Cape Girardeau County and State of
Missouri, and that the publication, of which the annexed is
a true copy, was published in said paper on the

26th day of November 2010
03rd day of December 2010
10th day of December 2010
17th day of December 2010

(Appearing once day on the same day of each week) and further says that said
Newspaper is a daily newspaper printed and published in the City of Cape
Girardeau and State of Missouri and has a general circulation in the City of Cape
Girardeau and State of Missouri and has a general circulation in the City and County
of Cape Girardeau and State of Missouri, and has held such general circulation in said
county continuously, regularly and consecutively for a period of more than ten years
next before the date of the first publication mentioned above, and has been likewise
continuously, regularly and consecutively published up to the time of the making of this
affidavit for a period of more than ten years next before the date of the jurat to this
publisher's affidavit or proof of publication, and that the rate charged therefore is not in
excess of the rate allowed by laws of the State of Missouri, and that said Southeast
Missourian has been admitted to the United States Post Office as second class matter
in the City of Cape Girardeau, Missouri; and that said newspapers has a list of bona fide
subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for
a subscription for a definite period of time, and that said newspaper and its publishers
have complied with each and every provision of the laws of Missouri and particularly with
the provisions of Section 13775 of the Revised Statutes of Missouri, 1929, as amended, and
approved on May 14, 1931, as appears in the Laws of Missouri, 1931 at page 303.

Nancy Hutchings
Subscribed and sworn to before me this **17th** day of

December 2010

Tonja Hemphill
Notary Public

Qualified and commissioned for a term expiring

October 12, 2013

Publication Fee \$960.00

Cape Girardeau, MO

Southeast Missourian

RECEIVED
MO. LAND RECLAMATION COMM.

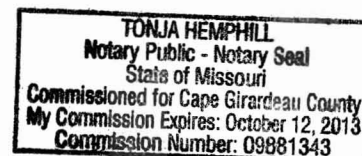
JAN 12 2011

PUBLIC NOTICE OF SURFACE MINING APPLICATION - NEW SITE ADDITION TO PERMIT			
Street Excavating LLC (Name of Applicant)		5120 State Hwy 74 (Address)	
Cape Girardeau, MO 63701 (City, State, Zip Code)		has applied for a new site(s) addition to their permit from the	
Department of Natural Resources, Land Reclamation Commission, to mine		Limestone on 75 acres(s)	
of land located in Cape Girardeau County, Section(s)		20, Lindgran/2192 Township(s)	
Range(s) 13 East (Specify East or West)		32 North	
This/These operation(s) will be conducted during the approximate dates of 5/29/2111 (Month, Day, Year)		1/1/2011 (Month, Day, Year)	

Written comments, a request for an informal public meeting, and/or a formal courtroom hearing may be made by any person with a direct, personal interest in one or more of the factors that the Missouri Land Reclamation Commission may consider in issuing a permit, as required by The Land Reclamation Act, sections 444.760 to 444.790 RSMo. The commission may grant a formal courtroom hearing if the commission finds, based on good faith evidence provided to them, that someone's health, safety or livelihood will be unduly impaired by the issuance of the permit. In order to be granted a formal courtroom hearing, the health, safety and livelihood impact must be within the authority of an environmental law or regulation administered by the Missouri Department of Natural Resources.

Mail written comments, request for a formal hearing and/or an informal public meeting to: Director, Land Reclamation Program, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176. Written comments and requests for a formal courtroom hearing and/or an informal public meeting shall be on file at the director's office within 15 days of the last date of publication of this notice. For more information about this process, please contact the Land Reclamation Program by telephone at 573-751-4041.

(November 26, 2010, December 3, 10, 17, 2010 / 112210)



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Saxony High School 804 N. Cape Rock Cape Mo 63701		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) 7007 0220 0004 0377 0993			

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: St. Andrew Lutheran Church 804 N. Cape Rock Dr. Cape Girardeau, mo 63701		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) 7010 1060 0001 1884 4508			

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Truettland Properties
1905 Huntington
Cape Gir Mo
63701

2. Article

7007 0220 0004 0377 0748

(Trar...)

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1840

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Barbara Horn

☐ Agent☐ Addressee

B. Received by (Printed Name)

Barbara Horn

C. Date of Delivery

12/4

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hoffmeister
P.O. Box 331
Jackson Mo
63755

2. Article

7007 0220 0004 0377 1006

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1840

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x ED HOFFMEISTER

☐ Agent☐ Addressee

B. Received by (Printed Name)

ED HOFFMEISTER

C. Date of Delivery

11-29-10

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

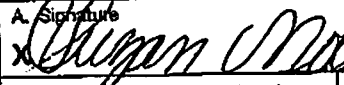
☐ No


3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: Pajco Inc. (Rhodes 101) 1620 N. Kingshighway Cape Girardeau, MO 63701		B. Received by (Printed Name) 	C. Date of Delivery 12-3
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt	
7010 1060 0001 1884 4492		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: Hoffmeister 5091 U.S. Hwy 61 Jackson MO 63755		B. Received by (Printed Name) MARIE HOFFMEISTER	C. Date of Delivery 1/2/13
2. Article (Transfer)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt	
7007 0220 0004 0377 0955		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

St. Andrew Lutheran Church
804 N. Cape Rock Dr.
Cape Girardeau, MO
63701

2. Article Number

(Transfer from service label)

7010 1060 0001 1884 4508

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature


☐ Agent☐ Addressee

B. Received by (Printed Name)

Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hoffmeister
5091 U.S. Hwy 61
Jackson MO
63755

2. Art

(Transfer from service label)

7007 0220 0004 0377 0986


PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature


☐ Agent☐ Addressee

B. Received by (Printed Name)

Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Laurentius
1097 Co Rd 601
Jackson Mo 63755

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Diane Laurentius*☐ Agent☐ Addressee

B. Received by (Printed Name)

Diane Laurentius

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. 7007 0220 0004 0377 1013

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return this card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hoffmeister
5091 US Hwy 61
Jackson Mo
63755

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Mare Hoffmeister*☐ Agent☐ Addressee

B. Received by (Printed Name)

MARE HOFFMEISTER

C. Date of Delivery

1/24/10

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7007 0220 0004 0377 0931

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sample
211 Computer Pr
Jackson Mo
63755

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent
X Anthony Sample ☐ Addressee
- B. Received by (Printed Name) Anthony Sample C. Date of Delivery 11-29-10
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7007 0220 0004 0377 1037

PS Form 3811, February 04

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Whitaker
985 CR 411
Oak Ridge Mo
63769

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent
X Em Whitaker ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery 11/26/10
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☒ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7007 0220 0004 0377 1020

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Sherril Lomedico</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>Sherril Lomedico</i> C. Date of Delivery <i>11/26/10</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
1. Article Addressed to: <i>County Comm.</i> <i>1 Barton Square Ste 301</i> <i>Jackson Mo 63755</i>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article (Trans) <i>7007 0220 0004 0377 1068</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Connie Henry</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>Connie Henry</i> C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
1. Article Addressed to: <i>Henry Trust</i> <i>976 City Rd 601</i> <i>Jackson Mo 63701</i>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article (Trans) <i>7007 0220 0004 0377 1051</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

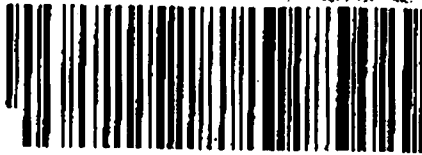
Strack Stone Company
5120 State Hwy 74
Cape Girardeau, MO 63701

Sent - 12-2-10

Pajco Inc. (Rhodes 101)
1620 N. Kingshighway
Cape Girardeau, MO
63702

P.O. Box 1807

CERTIFIED MAIL



07 0220 0004 0377 0979



+ J Marketing (Rhodes 101)
5040 - Hwy 61 North
Jackson

NIXIE 631 SC 1 00 11/27/10

RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD

SC: 63701900720 *0746-18992-24-38

637019007

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pajco Inc. (Rhodes 101)
1620 N. Kingshighway
Cape Girardeau, MO
63701

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Addressee ☐ Agent
Chapman Moore

B. Received by (Printed Name)

C. Date of Delivery

12-3

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7010 1060 0001 1884 4492

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.44
Certified Fee		\$0.30
Return Receipt Fee (Endorsement Required)		\$0.25
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$0.99

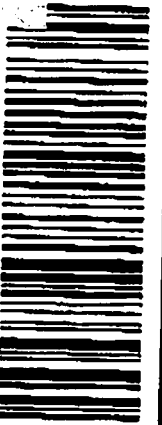
Sent To *Pajco Inc. (Rhodes 101)*
Street, Apt. No., or P.O. Box No.
City, State, ZIP+4
63701

PS Form 3800, August 2006 See Reverse for Instructions

Strack Stone Company
5120 State Hwy 74
Cape Girardeau, MO 63701

Sent: 12-2-10

J7 0220 0004 0377 0993



CERTIFIED MAIL

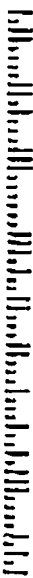


St. Andrews Lutheran Church
804 N. Cape Rock Drive
Cape Girardeau, MO 63701

6370143060007

BC: 63701900720

*0349-11822-24-43



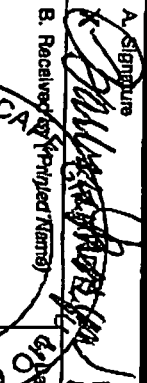
SENDER: COMPLETE THIS SECTION

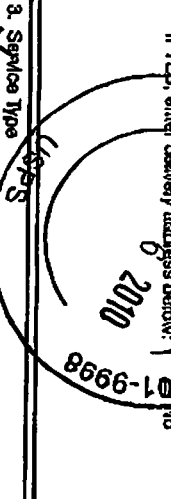
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

St. Andrews Lutheran Church
804 N. Cape Rock Dr.
Cape Girardeau, MO
63701

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  ☐ Agent
- B. Receiver (Printed Name) ☐ Addressed to
- C. Date of Delivery
- D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:



- 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. ☐ Yes
- 4. Restricted Delivery (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7010 1060 0001 1884 4508

PS Form 3811, February 2004

Domestic Return Receipt

102505-02-14-16-40

7010 1060 0001 1884 4508

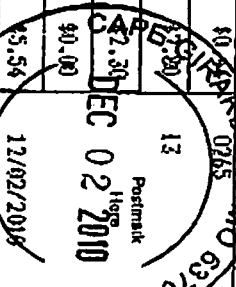
U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CAPE GIRARDEAU, MO 63701

Postage	\$ 3.50
Certified Fee	\$ 1.00
Return Receipt Fee (Endorsement Required)	\$ 0.00
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.50



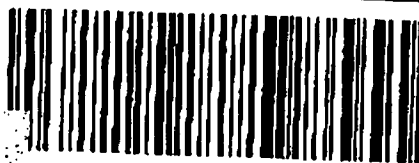
Sent to: St. Andrews Lutheran Church
804 N. Cape Rock Dr.
Cape Girardeau, MO 63701

PS Form 3810, August 2006

See Instructions for Instructions

Strack Stone Company
5120 State Hwy 74
Cape Girardeau, MO 63701

CERTIFIED MAIL



37 0220 0004 0377 0993

Sent 12-2-10

St. Andrew Lutheran
Church

804 N. Cape Rock Drive

Saxony Lutheran High School
804 N. Cape Rock
Cape Girardeau, MO 63701

NIXIE

631 DC 1

00 11/27/10

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 63701900720

*0348-11623-24-43

637019007



SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

St. Andrew Lutheran Church
804 N. Cape Rock Dr.
Cape Girardeau, MO
63701

2. Article Number

(Transfer from service label)

7010 1060 0001 1884 4508

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1640

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

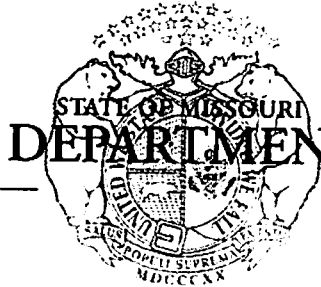
CAPE GIRARDEAU, MO 63701

Postage	\$	10.80
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Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

December 3, 2010

Mr. J.W. Strack
Strack Excavating, L.L.C.
5120 State Hwy 74
Cape Girardeau, Missouri 63701

Dear Mr. Strack:

Due to public notification requirements concerning the new permit application for Site #2 in Cape Girardeau County, I received several letters requesting that a public meeting be held. I am aware that you are able to view these letters on the Missouri Department of Natural Resources website. If we receive additional letters we will post them to the website. The "Land Reclamation Act" at 444.773.3, RSMo, reads in part,

"...If a public meeting is requested pursuant to this chapter and the applicant agrees, the director shall, within thirty days after the time for such request has passed, order that a public meeting be held..."

A public meeting usually involves all concerned parties sitting down in a round table type of discussion in an attempt to resolve issues expressed by concerned citizens. After the meeting, a recommendation is issued. The recommendation states whether or not the new permit application should be issued. There is also an attachment of the issues discussed at the public meeting. The choice of electing to hold a public meeting or to respectfully decline to hold a public meeting is for the company to decide.

We have an obligation to respond to the people requesting the public meeting. Does Strack Excavating, L.L.C., agree to hold the requested public meeting? If Strack Excavating, L.L.C. elects to entertain a public meeting, most likely the meeting would be scheduled in mid-January. Your prompt reply to this request will enable staff to prepare for the public meeting at the soonest possible opportunity. Thank you for your attention to this matter.

If you have any questions or concerns regarding the information in this letter please do not hesitate to contact me by telephone at (573) 751-4041.

Sincerely,

LAND RECLAMATION COMMISSION

A handwritten signature in cursive script, appearing to read "Mike Larsen".

Mike Larsen, R.G.
Staff Director

ML:ct:tb

McCARTHY, LEONARD & KAEMMERER, L.C.

ATTORNEYS AT LAW

400 SOUTH WOODS MILL ROAD, SUITE 250

CHESTERFIELD, MISSOURI 63017-3481

314-392-5200

FAX 314-392-5221

www.mlkllaw.com

THOMAS W. MCCARTHY III
MICHAEL E. KAEMMERER
ANDREW B. LEONARD
JAMES C. OWEN***
BRIAN E. MCGOVERN*
ROBERT L. STRILER*
MATTHEW D. MENGHINI****
STEPHEN J. SMITH
JAMES P. TOWEY, JR.*
TODD A. MASSA*
KATHERINE S. WALSH
ROBERT A. MILLER*
JAMES R. WALSH*
KRISTEN L. MALY**
PETER A. ROTH
BRYAN M. KAEMMERER

MARK G. MCLEAN*
JAMES A. HAJEK*
TIMOTHY J. AHRENHOERSTERBAEUMER
DAVID R. FLANDERS*
ANDREW M. LAMMERT*
S. ROGER DENNY, II
LAURA H. STOBIE
ABIGAIL HAMMERMAN SIEGEL

* ALSO LICENSED IN ILLINOIS
** ALSO LICENSED IN INDIANA
*** ALSO LICENSED IN NEW YORK
**** ALSO LICENSED IN COLORADO

December 17, 2010

Via e-mail to mike.larsen@dnr.mo.gov

Mike Larsen, Staff Director
Land Reclamation Program
Division of Environmental Quality
Missouri Department of Natural Resources
Post Office Box 176
Jefferson City, MO 65102-0176

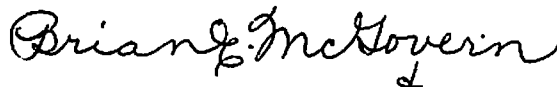
Re: *Strack Excavating, LLC d/b/a Strack Stone Company*

Dear Mike:

Based upon discussions with the Department of Natural Resources and representatives of certain groups opposing the above-referenced permit application, Strack Stone has decided to not participate in an informal public meeting. Instead, Strack Stone has requested the opportunity to meet with representatives of the Saxony Lutheran High School, and any concerned citizen's group.

I will contact you to advise as to whether any of these parties will agree to such a meeting.

Very truly yours,



Brian E. McGovern

Enclosed in this packet are certain letters for the commission's information including examples of form letters received. All letters received are posted on the Web at:

<http://dnr.mo.gov/env/fruitland.htm>

Zeaman, Bill

From: Larsen, Mike
Sent: Monday, January 03, 2011 8:48 AM
To: Zeaman, Bill
Subject: FW: Strack letter

Mike Larsen, Staff Director
Land Reclamation Program
Division of Environmental Quality
Missouri Department of Natural Resources
(573) 751-4041
mike.larsen@dnr.mo.gov

From: Lauri Spain [mailto:laurispain@hotmail.com]
Sent: Saturday, January 01, 2011 6:14 PM
To: Larsen, Mike
Subject: Strack letter

November 29, 2010

Director, Land Reclamation Program
Department of Natural Resources
PO Box 176
Jefferson City, MO 65102-0176

Dear Director,

I am writing to request an informal public hearing regarding the proposed Strack quarry to be located in the community of Fruitland (Jackson) Missouri. If the operators do not consent to an informal hearing, I hereby request a formal hearing.

I have a child that attends Saxony Lutheran High School, which is a very short distance to the proposed quarry. The traffic that this quarry will generate on such a narrow, badly maintained county road will be terrible. Inexperienced young drivers hurrying to and from school, mixed with heavy equipment drivers hurrying to get jobs done will not bode well. I can not bear the guilt if a tragedy would occur - can you? Health is another issue. The children play on the fields which will be in close proximity to the proposed quarry. Those with asthma, or with special health concerns will have compounded problems with lack of good air quality. Water quality within the school will unpredictable.

Some parents have voiced that they will have to think long and hard about sending their child to Saxony if the proposed quarry is allowed to come in. If enrollment drops, so will staff. The livelihood of many people is at stake. The few jobs created with this quarry does not equal the jobs lost at the school or the community.

I would hope that common sense would prevail in this situation. Quarries and schools should never be in close proximity to each other. The same goes for quarries and day cares.

I strongly oppose a quarry going in next to Saxony Lutheran High School or any school or day care based on the health, safety and livelihood of children and students. I respectfully request hearings based on those three factors.

Thank you for your time and consideration.

Sincerely,

1/3/2011

Lauri Spain
2304 Bainbridge Road
Jackson, MO 63755

1/3/2011

Zeaman, Bill

From: Larsen, Mike
Sent: Monday, January 03, 2011 8:49 AM
To: Zeaman, Bill
Subject: FW:

Mike Larsen, Staff Director
Land Reclamation Program
Division of Environmental Quality
Missouri Department of Natural Resources
(573) 751-4041
mike.larsen@dnr.mo.gov

From: Terry Burnette [mailto:tlburnette@hotmail.com]
Sent: Sunday, January 02, 2011 1:27 PM
To: Larsen, Mike
Subject:

To the Missouri Land Reclamation Commission:

We join the hundreds of concerned citizens to express our opposition to the proposed quarries in our community of Fruitland, Mo.
We bought our home and moved here in December of 1994. We loved the small, quiet family friendly atmosphere we found here. We feel these quarries being allowed to operate here will strip away many of the qualities we love about this little town. We are hard working people, and our home is the largest investment we will ever make. These quarries will hurt our property values, let there be no doubt about it. Ask yourself, if you would look to buy a home with a quarry right in the middle of town? Dust, noise, heavy truck traffic, and ground vibrations, these are not things you look for when you are looking to invest in a home. Myself, my wife, and my son, all suffer from allergies that will certainly be made worse by any increase in dust in the air. Make no mistake, there will be more dust. Blasting, crushing stone, and the loaders and trucks will all create more dust. There is no way to argue that a quarry will not increase the noise. (Blasting, tractors, trucks, crushing). All of the heavy truck traffic will certainly be more dangerous. Think about the high school students who are old enough to drive, bus traffic, and all the residential traffic. Where these quarries want to locate is right where you have to drive past to get to your residence. The vibrations from blasting, heavy equipment, and large trucks coming and going will certainly cause cracks in foundations, walls, ceilings, floors, and driveways. As you are well aware RADON Gas comes into homes through these cracks. Let the quarries locate somewhere that is not populated by families, schools, churches, businesses, and people who have built their lives in a peaceful community. The majority of families here don't have the option of leaving because of the economy, nor should we have to face that choice. Thank you for hearing our concerns and plea for a "NO" on a quarry permit in Fruitland.

Sincerely,

Terry, Linda, & Zach

Burnette
368 Concord Ln.
Jackson, Mo. 63755

1/3/2011

JAN 03 2011

December 29, 2010

Dear Land Reclamation Board,

We would like to voice my strong opposition to the Strack Excavating quarry that has applied for a permit to operate in my Fruitland community. We have many concerns that affect me directly concerning this operation.

We are very concerned for the well-being of our students at Saxony High School and the North Elementary school in Fruitland. Not only do they NOT need to hear incessant rumblings and explosions, but they do not need to suffer dust fallout that such explosions would leave. We can't imagine allowing students to do outside activities like cross country and track with such an operation as the quarry right adjacent to the school.

What will this do to the wells from which we get our water? We get our water from Public Water Supply District #1 with several wells nearby the proposed quarry location. We urge you to complete the proper studies to determine how this could possibly affect our water supply in the future, especially considering the unpredictable Karst typography we live in.



My wife has severe asthma. I truly have deep concerns as to air quality and how it will affect her. Added dust would be a burden to her breathing.

We are also concerned about the dust from the huge truck traffic plus rocks and gravel dropped on the pavement. That county road is not designed for the excessive weight of those gravel trucks.

As citizens with a right to protect my community's health and safety, we adamantly oppose this quarry. We respectfully ask that an informal public hearing take place to discuss these issues. We also request that a formal courtroom hearing be granted so that further evidence could be presented to the Land Reclamation Board.

Thank you for your consideration.

Sincerely,

Norvald and Nancy Reppen
479 Mooseberry Lane
Jackson, MO 63755

December 28, 2010

Matt Kiefner
392 Bird's Trail
Jackson, MO 63755

Land Reclamation Board
P.O. Box 176
Jefferson City, MO 65102

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MO. LAND RECLAMATION COMM.
JAN 03 2011

Dear members of the Land Reclamation Board,

Please consider our concerns regarding the Strack Excavation proposed quarry site in Fruitland, Missouri. This 76-acre quarry will be right across the softball field from the new Saxony Lutheran High School of 185 students. Because of the close proximity to the school, we are concerned about our children's health because of the dust generated by these quarries. One of our daughter's is allergic to dust and has asthma. We believe her health will be compromised if this quarry is allowed to operate so close to the high school.

If you've ever been to the school, you'll know that the winds on this hilltop are constant. Although our two girls are not presently participating in outdoor sports events, we are concerned for all the cross-country, track, softball, baseball, and soccer teams that will have to train, practice and compete in unclear air conditions, not to mention those students of competing teams.


Also, we are greatly concerned about the high volume traffic of heavy rock-hauling trucks which will run along the same road as the young, less-experienced driving students. In addition to increased potential of tragic accidents, we understand told these trucks will also spread the dust, even if the trucks are sprayed with water before exiting the quarry sites.

This is a fledgling school started in the community of Fruitland so it could be accessible to students from the entire region. Just one quarry could squash the potential growth of Saxony Lutheran High School, which thousands of members from 25 association churches have supported.

Even if the companies were to operate flawlessly in their preventative efforts, the very nature of a quarry does not allow its effects to remain within its property lines. The vibrations, noise, dust, and traffic would negatively affect the entire area and especially the students, faculty, and visiting schools of Saxony Lutheran High School.

Please grant a hearing to discuss these and other matters regarding this proposed quarry site. Thank you for considering our concerns.

Sincerely,


Matt Kiefner

CAPITOL ADDRESS:
State Capitol - Room 404 B
Jefferson City, MO 65101-6806
Tele: 573-751-6662
Fax: 573-522-6191

DISTRICT ADDRESS:
P.O. Box 736
Jackson, MO 63755
Tele: 573-335-0706

PLEASE RESPOND TO CAPITOL
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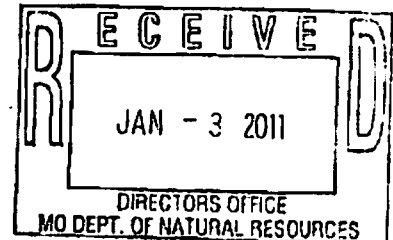


Scott A. Lipke
MISSOURI HOUSE OF REPRESENTATIVES
DISTRICT 157

COMMITTEES:
Chairman, Crime Prevention
Appropriations - General Administration
Judiciary
Special Committee on Transportation &
Infrastructure
Special Committee on Governmental
Accountability & Ethics
SCOTT.LIPKE@HOUSE.MO.GOV

December 27, 2010

Mr. Kip A. Stetzler
Acting Director
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102



Dear Mr. Stetzler,

I have recently been contacted by several constituents who are concerned about two (2) possible quarries locating in the Fruitland/Jackson area. It is my understanding that Heartland Materials has applied for a mining permit as well as Strack Excavating.

As Representative of the 157th District, I share the concerns of my constituents. The health, safety, and livelihood of the residents and students in this area are of utmost importance. With regards to the Strack Excavating application, I am requesting that an informal public meeting be held so that both sides can state their positions and possibly produce an outcome which is satisfactory to both sides. If the operator refuses the informal public meeting, I request a formal hearing be held.

I appreciate your time in this matter. If you have any questions or comments, please feel free to call me at 573-243-8463. Thank you in advance for your prompt attention to this matter, and your continued cooperation.

RECEIVED
MO. LAND RECLAMATION COMM.

JAN 03 2011

Sincerely,

A handwritten signature of Scott A. Lipke in black ink.
Scott A. Lipke
State Representative
District 157

Zeaman, Bill

From: Larsen, Mike
Sent: Thursday, December 30, 2010 2:06 PM
To: Zeaman, Bill
Subject: FW: Comments - Strack Excavating Mining Application

Mike Larsen, Staff Director
Land Reclamation Program
Division of Environmental Quality
Missouri Department of Natural Resources
(573) 751-4041
mike.larsen@dnr.mo.gov

From: Abby Petzoldt [mailto:abby@abbyink.com]
Sent: Thursday, December 30, 2010 1:36 PM
To: Larsen, Mike
Subject: Comments - Strack Excavating Mining Application

Larry P. Coen

Director, Land Reclamation Program

Department of Natural Resources

P.O. Box 176

Jefferson City, Mo 65102-0176

Re: Comments - Strack Excavating, LLC Permit Application

Dear Mr. Coen,

I have very serious concerns regarding the location of the quarry proposed by Strack Excavating, LLC. I live in extremely close proximity (less than 1/4 mile), and have a 3 year old child with Asthma. She takes an inhaler daily as a preventative measure to control her respiratory problems, takes in-home breathing treatments as needed for bad days, and has been hospitalized for pneumonia several times. I understand there are laws governing the amount and size of the particulate matter that is emitted, however since it is impossible to control all fugitive dust, and combined with pollution from excess diesel and trucks that will be frequenting the site, my daughter's quality of life will most certainly be devastated. We play outside often, and with a quarry in close proximity this simple act will put her health at serious risk. My son also suffers from allergy problems on a lesser scale, and takes breathing treatments at home as needed.

12/30/2010

In the past several months, I have extensively researched how fugitive dust may affect the health of my children. I have read numerous studies with the same basic conclusion: proximity to the source of dust pollution was associated with increased prevalence of excess cough, breathlessness, school absence due to respiratory ill health, and doctor-diagnosed asthma. Additionally, although the average person can adequately expend particulate matter that is inhaled, those with pre-existing conditions such as asthma (particularly children), cannot process it the same way. We have the right to maintain our safe home environment. We chose this location to live long ago, and invested money in this homesite because of its beauty and also because our children would have room to safely play outside. A quarry would take that right away from us.

I am especially concerned about the Strack application since there is a history of air quality violations with this company. I find it extraordinarily disturbing that any company with such a history would be considered for a mining permit in such close proximity to so many families and a school. His application should be rejected solely on the basis of past non-compliance.

I have a concern for Saxony High School. As a member of a nearby Lutheran Church, our children are potential future students. Even with safety precautions in place, a quarry deals with explosives that can be unpredictable. Although rare, consciously exposing students to these risks are unacceptable. I recently read an article from Pennsylvania (<http://www.wpxi.com/news/24741228/detail.html>) where blasting caused an 82 pound chunk of stone to travel 1/4 mile and through the roof of a nearby homeowner. This was obviously unintended. How can the safety of students be insured when they are within an extremely close proximity such as this? It is an unacceptable risk to these students, and I believe it is your duty to deny the application in order to ensure that these young developing minds can safely learn without interruption due to dust, noise, etc.

I have a concern as a small business owner. My business location is within a close proximity to the quarry site. I believe my employees are able to concentrate and perform their jobs in great part due to the comfortable environment they are in. I also have clients visit my place of business often. Excessive noise would significantly alter this environment and put my livelihood at risk.

Finally, I am concerned for our public water supply. Mining in Karst topography can be very unpredictable. My family, and literally thousands of others depend on this water supply. Is the risk to compromise this supply for thousands of residents less than the right of a company to start a business? I request an extensive risk assessment type of study be performed to explore how our water supply may be affected at the expense of those who plan to put the rest of us in danger.

I urge you to recommend rejection of the application that Strack Excavating has submitted. It is simply too close to a residential community, thriving schools, and businesses. I am not in any way opposed the necessary quarry industry, but in this unique situation, the proximity to hundreds of students and thousands of residents who were here first supersede the right of these business owners who want to bring unnecessary risk to our populated community. Should this application continue, I would like to request a formal courtroom hearing to decide this issue.

If the reasons stated above, and also the reasons put forth to you in the hundreds of letters received do not show adequately the threat to **safety, health, and livelihood**, and provide you enough authority under the law to deny this permit...then the law has not been written to protect the citizens on any level.

12/30/2010

Respectfully,

Abby Petzoldt

413 Eli Drive

Jackson, MO 63755

abby@abbyink.com

12/30/2010

LATHROP & GAGE_{LLP}

RECEIVED
MO. LAND RECLAMATION COMM.

DEC 30 2010

DAVID A. SHORR
DIRECT LINE: (573) 761-5005
EMAIL: DSHORR@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

314 EAST HIGH STREET
JEFFERSON CITY, MISSOURI 65101
PHONE: (573) 893-4336
FAX: (573) 893-5398

December 30, 2010

VIA HAND DELIVERY

Mike Larsen, Staff Director
Land Reclamation Program
Department of Natural Resources
1101 Riverside Drive
PO Box 176
Jefferson City, MO 65102-0176

**Re: Comments - Strack Excavating, LLC Permit Application for
Industrial Mineral Mines, Permit Expansion - Open Pit Operation—
Strack Quarry Site #2, 20, Land grant 2192, 32N, 13E, Cape
Girardeau County, Missouri**

Dear Mr. Larsen:

This firm represents Saxony Lutheran High School located at 2004 Saxony Drive, Jackson, Missouri and Save Our Children's Health, Inc., a citizen advocacy group located in Cape Girardeau County, Missouri.

Saxony Lutheran High School is a thriving regional high school supported by 25 separate associated churches in Ste. Genevieve, Perry, Scott, and Cape Girardeau Counties. Built in 2004 at a cost of \$6 million and expanded due to growth in 2009 at an additional cost of \$1 million, Saxony Lutheran provides secondary education to 187 students. The high school provides a typical daily schedule commencing around 6:00 a.m. through well in to the evening hours. In addition to outdoor physical education classes, the school provides a full range of Missouri State High School Athletic Association varsity sports including outdoor sports such as soccer, baseball, softball, cross-country and track. Because students make use of the property for such an extended period of time every day, there is ample opportunity for students to be exposed to ambient air and noise of a quarry while on school property during and after classroom hours, as well as ample opportunity for the students to be exposed to heavy machinery and large equipment traffic while traveling to and from school during heavy traffic flow hours.

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DEC 30 2010

The properties surrounding Saxony Lutheran High School have been of great interest to the limestone quarry industry this past year. On July 29, 2010, the Missouri Department of Natural Resources (the "Department") received a construction permit application for a proposed rock crushing plant in Jackson, Missouri by Strack Excavating ("Strack"), which was approved on December 27, 2010. On October 4, 2010, the Department received a 161-acre (long-term mine plan boundary) limestone open pit mining application by Heartland Materials, LLC ("Heartland") for the property immediately south of Saxony Lutheran (the "Heartland application"). Just two weeks later, on October 19, 2010, the Department received a 76-acre (long-term mine plan boundary) limestone open pit mining permit expansion application from Strack for the property north of Saxony (the "Strack application").¹ Attached hereto as Exhibit 1 is a map and graphic showing the location of the proposed Heartland and Strack sites adjacent to Saxony. The two permit applications are working through the same administrative processes at the same time, raising the same issues for Saxony Lutheran and for the Department. Because the two proposed sites are so similarly situated, and because the Department cannot realistically determine the burden that these proposed quarries will have on the health, safety, and livelihood of the Saxony students, administrators and teachers by assessing them separately, we believe that the effects of the two permit applications should be assessed comprehensively and in tandem.²

GENERAL COMMENTS AND ISSUES

The unique circumstances surrounding the Strack application to construct a limestone quarry to the immediate north of a thriving high school, which is bordered immediately to the south by the site of the proposed Heartland limestone quarry, requires a review of the comprehensive effect of the two proposed quarries on the health, safety, and livelihood of Saxony Lutheran High School, its students and families, as well as the administrators and teachers on its campus. We believe there is sufficient scientific and factual evidence to create issues of fact that the proposed permitted activity will unduly impair the health, safety, and livelihood of the students, teachers, administrators, and families at Saxony Lutheran High School to require a formal hearing by the Land Reclamation Commission. See *Lake Ozark/Osage Beach Joint Sewer Bd. v. Missouri Dep't of Natural Resources Land Reclamation Comm'n*, 2010 WL 3394730 *1, *6 (Mo. Ct. App. W.D. Aug. 31, 2010) (overturning the Land Reclamation Commission's decision and holding that the petitioners only bear the burden of producing sufficient scientific evidence to establish an issue of fact that the permitted quarrying operations

¹ November 29, 2010, the Department posted the Strack application to the Web, and the public comment period began running on November 26, 2010.

² As noted in our comment letter to the Heartland application, a review of either application in isolation is an incomplete review and cannot accurately assess whether the proposed permitted activities will unduly impair the health, safety or livelihood of the Saxony students, teachers, and administrators.

DEC 30 2010

would impact their health, safety, or livelihood). Because there are many issues of fact that the health, safety, and livelihood of the Saxony students, teachers, and administrators will be unduly burdened by the proposed permitted activity, the Land Reclamation Commission should grant a hearing on these issues where the burden of persuasion will be on Strack to prove, by comprehensive and substantial scientific evidence, that the health, safety, or livelihood of the students, teachers, and administrators would not be unduly impaired by the impact from the permitted activity. *Id.*

In addition, Strack and its organizer, J.W. Strack, along with his affiliated companies, have a history of noncompliance with state environmental statutes and regulations, including a pattern of noncompliance at other locations in Missouri within the last five years that suggests a reasonable likelihood of future acts of noncompliance. See Documentation attached hereto as Exhibit 2. Based on Strack's history of noncompliance alone, the Strack application can and should be denied. R.S.Mo. §444.773.4.

Finally, there are serious deficiencies, and even misrepresentations, in the Strack application submitted on October 19, 2010, despite the additional supplements and revisions supplied by Strack on November 4th and 12th. Because of these deficiencies, we believe the Strack application does not meet the statutory or regulatory requirements for an open mine permit under Missouri law, and should therefore be denied. See generally R.S.Mo. § 444.772 *et seq.*; 10 CSR 40-10.010 *et seq.*

1. Strack and its associated companies have a history of noncompliance with environmental statutes and regulations.

As listed in the Strack Application, J.W. Strack, the organizer of Strack Excavating, LLC and owner of the property of Strack's proposed quarry expansion, has two additional permits: Permit 0832, issued to Jo Wayne Strack for Strack Excavating, LLC and Permit 0993, issued to Jo Wayne Strack for Strack Stone- Lodi LLC. In addition to these permits, Strack and its associated companies have operations on several other properties in Missouri, which have historically, and even into 2010, been operated in noncompliance with Missouri state environmental statutes and regulations.

Though outside the five-year statutory window, on March 23, 2004, Strack received a notice of violation from the Department related to fugitive particulate matter emitted from his property beyond the property boundaries, failure to submit an operating permit application, and failure to conduct performance testing. This violation was considered a high priority violation by the Department. With no response, on April 16, 2004, the Department wrote to Strack Excavating to inform J.W. Strack that this notice of violation would be referred to the Missouri Attorney General's office. Again in August of 2009, Strack received a letter of warning from the Department concerning fugitive emissions crossing his property boundary in violation of 10 C.S.R.10-6.170. The letter to

DEC 30 2010

Strack included photographic documentation of the fugitive emissions leaving his property. Even in to 2010, the same year he is requesting a permit expansion, Strack continues to disregard Missouri state environmental laws and regulations. On May 27, 2010, Strack Excavating received a letter of warning from the Department concerning fugitive emissions crossing his property boundary in violation of 10 C.S.R. 10-6.170 (Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin). This is only a list of the Department's formal actions against Strack for noncompliance with state environmental statutes and regulations, and does not include informal complaints to the Department or issues not formally addressed by the Department regarding Strack's dust issue. *See Exhibit 3.*

Based on citizen complaints regarding Strack's original mine at this location, Strack Mine #1, *see Exhibit 4* for correspondence, as well as the letters received from citizens complaining of fugitive emissions and property damage from blasting on other permitted properties, *see Exhibit 5* for correspondence, there are many citizens that have personally experienced the effects of Strack's operations and raised complaints with the Department. There have been multiple complaints regarding Strack's failure to comply with Missouri air regulations, and Strack continues to permit particulate matter to migrate off his property and to blast in a manner that causes property damage to nearby residences.

This history of noncompliance in the past, within the past five years, and into the present indicates a reasonable likelihood of future acts of noncompliance, as Mr. Strack has failed to adequately respond to the Department's warnings or to address complaints of continued fugitive emissions by neighboring landowners. This particular type of noncompliance has resulted and continues to result in harm to the environment, as well as impairment of the health, safety and livelihood of persons surrounding his properties. R.S. Mo. § 444.773.4. In fact, migration of particulate matter on to the Saxony Lutheran School property is one of the School's greatest concerns regarding the Strack Application, as discussed below.

Based on Strack's recent history of noncompliance, which has endangered, and continues to endanger, the health and safety of neighboring landowners on several Strack properties, as well as endangering the environment, the Strack Application should be denied.

- 2. A comprehensive review of the proposed Strack application and Heartland application reveals that the two quarries will exceed the national ambient air quality standards, as well as the maximum allowable particulate matter emissions increase, putting the health of the students, teachers and administrators at risk.**

Mike Larsen, Staff Director
December 30, 2010
Page 5

DEC 30 2010

Both Strack Excavating and Heartland Materials have filed applications for MDNR air pollution control program construction permits under 10 CSR 10-6.060 sections (5) and (6), and, based upon an online review of the applications we believe that both quarries, when operational, will have PM_{10} ambient impacts in excess of $126 \mu g/m^3$. 10 CSR 10-6.060(5), (6) (2009). In addition to the close connectedness of these two quarries, the fact that a high school with a sensitive population is located between them, provides an additional basis for a comprehensive review of these two applications in tandem based upon the criteria set forth in 10 CSR 10-6.060(6)(A)2-3, which provides that a permit shall only be issued under section (6)(A)2. if the proposed source operation does not interfere with the attainment or maintenance of ambient air quality standards; and section (6)(A)3, that the proposed source operation not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A). 10 CSR 10-6.060(11)(A) (2009) ("Table 1").

As outlined in our November 23, 2010 letter to Jim Kavanaugh of the Air Pollution Control Program, attached hereto as Exhibit 6, we have great concerns that when the ambient impact of the nominally separated quarries are viewed together, there will not only be an exceedance of the national ambient air quality standards for PM_{10} , but also the combined particulate matter emissions will exceed the maximum allowable increase authorized in Table 1.

In addition, while limestone itself is not generally listed as a carcinogen, because limestone dust contains crystalline silica, which is classified as a known human carcinogen by IARC, NIOSH, and NTP, and regulated by California's Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986), exposure to dust at this level by a sensitive population is cause for great concern. We urge the Department to require that Strack and Heartland perform comprehensive dispersion modeling to verify that the ambient concentration of PM_{10} in the vicinity of the school will not exceed the ambient air quality standard and place this sensitive population at ongoing pulmonary risk.

- 3. The proposed quarry by Strack is only nominally separate from the proposed quarry by Heartland, as the two quarries are proposed for permitting to the north and south of Saxony Lutheran High School and have associated landowners to the east and west of the School.**

The current proposed mine plan, as outlined in the Strack Application, lists Strack's own parcel of land located at "Site #2," Land grant 2192, Section 32 N, Township 13E, in Cape Girardeau, Missouri as the proposed location. This proposed site is to the north of the Saxony Lutheran High School property. The proposed site is listed in the Strack Application as a 76-acre site, with 20 acres permitted for mining. However, the proposed site is located to the northeast and northwest of property owned by Hoffmeister Real Estate, LLC and Hoffmeister Farms, two parties that are associated

DEC 30 2010

with the parcel that is the site of the proposed Heartland quarry mine.³ Recalling that the Heartland application was based solely on a verbal contract with Hoffmeister to mine the land, we believe there is sufficient basis to allege that Heartland plans to expand the quarry mine from the current 161-acre proposed mine plan immediately south of Saxony Lutheran High School, as shown in Exhibit 1, to also include the parcels located to the immediate east and west of the High School—which are owned by Hoffmeister Stake and Handle and Joe Hoffmeister Farms, respectively. Should Heartland succeed in permitting these additional parcels, this would make the Strack and Heartland sites only nominally separate, and would turn Saxony Lutheran High School in to an island surrounded on all sides by quarry operations. The potential for expansion of the current proposed mine plan to effectively surround Saxony Lutheran High School should give the Department pause as to whether or not the Strack and Heartland operations are in fact separate, and as to whether or not these first permits should be granted.

Further, the potential to expand the Heartland proposed mine plan to both the east and the west of Saxony Lutheran High School and reach the Strack proposed mine property is an additional basis for reviewing the Strack and Heartland applications in tandem and assessing the effects of the proposed permitted activities on Saxony students, faculty and staff comprehensively.

4. **Because there are public and private water supply wells in the immediate vicinity of the Strack mine plan boundaries that may be compromised by the blasting and mining activities, the health of the Saxony Lutheran students, faculty, and administrators, as well as other landowners in the facility is unduly impaired.**

Nowhere in the Strack application does Strack address the fact that there are public and private water supply wells in the vicinity of the mine plan boundary. The proposed quarry site and surrounding area are part of a karst topography, as evidenced by sinkholes, a year-round spring within 600 feet of the quarry site, and a “losing stream” within 500 feet of the quarry site. There are many documented negative impacts of quarrying in a karst geological area on aquifer-supplied water sources, including ground water level lowering, flow alteration, and turbidity increases. Because this area is a karst geography, we have great concerns that the public and private water supply, including the aquifers and any existing or future wells, will be compromised due to the proposed permitted activity. In Strack’s mine plan, part of the Strack Application, he indicates that

³ The Joe Hoffmeister Farms parcel to the west of Saxony Lutheran High School (and the southwest of the proposed Strack quarry expansion) is part of the same parcel that is already proposed for permitting, and is just across County Road 601 from the Joe Hoffmeister Farms parcel that is the site of the proposed Heartland quarry mine. The Hoffmeister Stake and Handle parcel to the east of Saxony Lutheran (to the southeast of the proposed Strack quarry) is owned by Hoffmeister Stake and Handle LLC, which was incorporated by Lloyd Hoffmeister in 2005. Lloyd Hoffmeister is the same person who owns the Hoffmeister Real Estate parcel that is currently part of the Heartland application directly south of Hoffmeister Stake and Handle.

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the intent of the operation is to operate a 'high wall' quarry, which will result in an excavation with a flat floor below the existing water table. In a karst geography, such excavation will undoubtedly affect the water table, and endanger public and private drinking water supplies in the area.

In addition, based on Strack's proposed mine reclamation plan, the final pit to the mine "will be allowed to fill with water and could be a recreation lake stocked with fish." While this may appear to be a good use of reclaimed land, nowhere in Strack's application has Strack indicated the effect of excavating to such a depth below the water table that the final pit will have to remain as a pond. Such excavation will have serious consequences for the water resources in the area and may even affect the water district's infrastructure.

Because the Strack application has not adequately demonstrated that the public and private water supply in the area will not be impacted, nor has the application even addressed the impacts the proposed permitted activity would have on the local water supply, the Strack application should be denied. At the very least, we request that the Department require Strack to demonstrate that their activities, in a karst geography, will not impact the public and private water supply, and therefore, the health of the Saxony students, faculty, and administrators and landowners in the vicinity of the proposed mine plan boundary.

5. The Strack Application contains substantial mistakes or misrepresentations of pertinent information.

In Strack's application, the only mention of a waterline is found in its mine plan. Regarding pit information, Strack indicates that "no excavations will occur within the waterline easement along the North and East of the property line." In fact, records at the Cape County Recorder's Office indicate that no recorded easement exists in that location, but instead that the public water supply easement runs south along the west side of the property, then along the south side just south of the upper portion of the property, then directly across the center of the property just to the south of the first proposed excavation area. Such an oversight jeopardizes the mine plan as outlined in the Strack Application, and indicates either a lack of concern on the part of Strack Excavating with the exact location of water district infrastructure or an intent to mislead the Commission regarding the effects the proposed mine will have on public and private water supplies. Such an oversight makes the Strack Application deficient, and the application should be denied.

6. Based on the application materials, and despite the reclamation plan, the proposed bonding will not match the level of financial assurance required to reclaim the land.

The current Strack application indicates a total bonding requirement of \$10,000 for the 20 acres of the site that are being permitted to be used in the next twelve months.

However, as discussed in subsection 3, above, there is reason to believe that the Strack and Heartland Parcels, along with the parcels currently owned by Joe Hoffmeister Family Farms (to the west of the High School) and the Hoffmeister Stake and Handle (to the east of the High School) will in the future become the sites of mine expansions. Because the current proposed permitted parcels for Heartland and these two potential future parcels have the same ownership, and because there is no real distinction between the parcels, we request that the Land Reclamation Commission require bonding for more than the 20 acres as listed in the Strack Application. We request that the Commission require additional bonding of additional acreage if Strack plans to apply for additional acreage on the current mining plan or on parcels that Strack plans to mine in the future that are adjacent to the current mine plan property.

- 7. While the profits of the proposed quarries will go to Strack and Heartland, the economic costs of the quarries will be born by the Saxony Lutheran students, the community that will lose its investment in the School, and the faculty and administrators at Saxony Lutheran whose livelihood is unduly impaired.**

Saxony Lutheran High School built its current facility in 2004 at a cost of \$6 million. Funds were raised by the 25 association churches that support Saxony Lutheran throughout Ste. Genevieve, Perry, Scott, and Cape Girardeau Counties. In 2009, Saxony Lutheran completed construction of a \$1 million expansion of the northwest and northeast wings to accommodate growth of the student body. Saxony Lutheran is home to 187 current students and has the capacity to grow to a student body of 300. In addition, Saxony Lutheran High School supports 13 full-time and 3 part-time faculty members, 3 administrators, and 7 staff members.

If the Strack quarry is permitted as described in the Strack application, it is likely that enrollment at Saxony Lutheran will not continue to grow, and may even drop during the years the quarry is permitted to continue its open mining activities. A drop in enrollment could require significant cuts to the faculty or administration of the High School. This would significantly impair the livelihood of the faculty, administrators, and staff at Saxony Lutheran High School. In addition, as enrollment at the School drops, the value of the investment of the communities surrounding Saxony drops, as well, including property value and intrinsic value of the education received by students at this location.

- 8. Blasting so close to school property will undoubtedly impair the health and learning environment for Saxony students, faculty and staff.**

Based on the detailed map submitted with the Strack's application, the property boundary is within 600 feet of the Saxony Lutheran High School property. While the permitted mining area is within the mine plan boundary, any limited barrier that Strack

DEC 30 2010

Mike Larsen, Staff Director
December 30, 2010
Page 9

proposes to place between the mined area and the property line will have no effect on the level of noise from the blasting on the Saxony Lutheran students, faculty and administrators. Blasting during school hours will seriously impair the Saxony Lutheran students' ability to learn, and will unduly impair the value of their education. Based on this, we request that Strack agree to follow the federal regulations for blasting parameters related to coal mining activities administered by the U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement. *See* 30 C.F.R. §§ 816.61-68, 850.10-15 (2010). However, even if Strack were willing to restrict blasting the federal regulatory parameters (e.g., setting up a blasting schedule to blast only during to non-classroom hours, restricting the amount of noise created by the blasts, etc.), because of the extended use of school property both before and after class for athletics and extracurricular activities, blasting will seriously impair the students ability to participate in these activities on their facility.

In addition to noise from blasting, the use of explosives on site so close to the High School property will unduly impair the safety of the students, faculty, and administrators at Saxony Lutheran, as the vibrations caused by such blasting could weaken the structural integrity of the High School facility, placing the students in further danger. Because of this danger alone, the Strack application should be denied. At the very least, we request that Strack conduct a blasting survey on the Saxony Lutheran High School facility, and any other structures in similar proximity to the mine plan boundary, to determine the effects of blasting on those structures and take any additional measures necessary to protect the students' safety. Further we request that Strack be required to engage an independent blasting consultant to set up a seismograph to monitor the vibrations on the Saxony Lutheran property and any properties in similar proximity to the mine plan boundary to determine the effect of any blasting on these properties.

9. Based on the volume of mined materials outlined in the Strack application, the volume of heavy duty traffic on the same roads as the Saxony students will impair the students' safety.

The Strack application provides for at least 20 acres of permitted mining area in the next twelve-month period. Based on this large permitted acreage, and depending on the extent of the mineral reserves, there will be an overly burdensome increase in the volume of heavy equipment and heavy truck traffic on the same roads and highways traveled by students, on both ingress and egress during peak school traffic hours (before class begins and after classroom hours). This increase in traffic, particularly with heavy equipment and truck traffic, will unduly impair the safety of these young drivers on the roads they must travel to get to and from school. Further, the possibility of trucks and heavy equipment carrying rocks and other debris that are improperly packed and could fall on other vehicles is greatly increased. Because of this undue impairment of student safety, we believe the Strack application should be denied. At the very least, we request that the Department require a full transportation analysis, including points of ingress and

DEC 30 2010

Mike Larsen, Staff Director
December 30, 2010
Page 10

egress, material safety data sheets for materials being hauled, and estimates on the number and size of loads to be hauled.

CONCLUSION

Because there are many questions of fact and law indicating that the issuance of the Strack Excavating, LLC permit will unduly impair the health, safety, and livelihood of Saxony Lutheran High School and its students, faculty, and administrators, we request an informal public meeting with Strack Excavating, LLC to discuss the permit application. If Strack Excavating refuses to hold such a meeting, or if there is no resolution of these concerns at that meeting, we request a formal hearing with the Land Reclamation Commission to discuss these concerns. In addition, we request that you, as the Director of the Land Reclamation Program, make a formal recommendation to the Land Reclamation Commission that it deny the Strack Excavating Permit for Industrial Mineral Mines – Permit Expansion— Open Pit Operation—Strack Quarry Site #2, 20, Land grant 2192, 32N, 13E, Cape Girardeau County, Missouri

Very truly yours,

LATHROP & GAGE LLP

By:


David A. Shorr

DAS/jf
Attachments

cc: Leanne Tippet Mosby, MDNR, DEQ
Mark Smith, USEPA Region 7, APCO
Senator Jason Crowell, District 27
Representative Donna Lichtenegger, District 157
Craig Ernstmeyer, Saxony Lutheran High School
Abby Petzoldt, Save Our Children's Health, Inc.

DEC 27 2010

RECEIVED
MO. LAND RECLAMATION BOARD

Land Reclamation Project at DNR

Nov. 9, 2010

RE: Struck Request for permit.

I want to express my strong opposition to having rock quarries in Fruitland. These quarries would turn what is now a nice little residential community into a filthy undesirable place to live. We purchased our home there eighteen years ago and have worked hard to make improvements to it and our property. Now, we face the prospect of having the value of what we have worked so hard for decreased.

My reasons for opposing these quarries fall into two groups, those affecting me and my family personally, and those affecting the community. First, for those affecting me and my family, as I mentioned above, is property value. Rock quarries create many adverse conditions, all of which could have nothing but a negative effect on the value of our property. Who would want to buy property close to a rock quarry? The blasting that will take place could cause damage to the foundation and walls of our house. In addition, damage to septic systems, water and gas lines are also possible as they have occurred elsewhere around quarries. Radon leaks from newly formed cracks in the ground which seep through your basement floor are also possible. Disruption to our water quality and supply are also real possibilities as the digging could affect water tables and the blasting could stir sediment in underground pools. An adverse affect of a different kind is the one it will have on our family pet. Noise, such as that from blasts, causes our dog, as well as others in the neighborhood to bark continuously. We experience this for a few days around the fourth of July, only, this will not end. Lastly, the dirt put into the air from these quarries will affect my allergies as I have trouble in dusty environments, not to mention the simple fact that dirt will coat everything in the area from the grass to houses and vehicles.

From a community standpoint the ill effects are also great. We have two schools in the immediate area of the proposed quarries. One of these schools will literally be surrounded by these quarries. The effects upon the health of many of the students in these schools is bound to be great considering so many students these days have asthma as well as other respiratory conditions. How about the disruption caused by the blasting and the constant noise caused by dump trucks and other machinery? We are told there will be no blasting during the school day, but what about the constant noise of the dump trucks? What about after school events such as athletic practices, games and meets which are held outside like baseball, softball, track, cross country and soccer? What about anyone who comes to the schools for any reason only to have their vehicle coated with dust while they endure the noise of blasting and dump trucks.

These same issues also apply to businesses in the area. How will it affect their business? What about the cattle farmers whose cattle now have to graze on dirty grass? I am willing to bet it can only have an adverse affect them. Furthermore, let's not forget the residents in the area who send their children out to play in dust filled yards and can no longer keep anything clean.

I do not oppose quarries, only the location of them. They do not belong in areas close to homes, businesses and schools. Please consider the number of people, their property and businesses that will be adversely affected by having these quarries here in Fruitland and say no to the quarries.

Respectfully,

Gordon Walton
353 Concord Lane
Jackson (Fruitland), Mo.

December 20th, 2010

Director, Land Reclamation Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MO LAND RECLAMATION PROGRAM

DEC 27 2010

Dear Director,

I am writing to inform you of my opposition to the Strack Excavation quarry that has applied for a permit to operate in the Fruitland area. I live ¼ of a mile from the proposed quarry site, and this operation would have a direct negative impact on my family and I. I have many concerns regarding the permit and proposed operation.

1) The proposed quarry site and surrounding area are part of a karst topography, as evidenced by sinkholes, a year-round spring within 600 feet of the quarry site, and a "losing stream" within 500 feet of the quarry site. There are many documented negative impacts of quarrying in a karst geological area on aquifer-supplied water sources, including ground water level lowering, flow alteration, and turbidity increases. According to Mr. James Vandyke, State Geologist with the Mo DNR, there have been no studies or testing done in this area which would assess the impact of quarrying on groundwater resources. As a user of the public water supply well system, I believe my family's health and the health and viability of the water supply is threatened by the quarry, and would expect that a hydrogeological study or environmental impacts study be undertaken to determine the potential risk and mitigation steps necessary to protect our water supply.

2) Living as close as I do to the proposed quarry site, I am concerned about the damage potential from blasting to the foundation and masonry components of my home. I am also very concerned about the noise of blasting and a 24 hour crushing operation. Blasting and persistent background noise from the rock crusher operation will disrupt sleep and elevate stress levels for myself, family, and neighbors, thereby creating a health concern. The constant background noise of generator and rock crusher operation, particularly during, but not limited to (given shift work of many local residents), the evenings and on weekends would be a detriment to health and quality of life of my family and nearby residents.

3) My home and property are an investment that my wife and I have made that is part of our plan for retirement. The locating of a quarry this close to my home will decrease the value of that investment; as a citizen with a right to protect my livelihood, I am opposed to another party being allowed to undertake an activity to enhance their livelihood and well-being while creating a negative impact to mine and that of other residents of the area.

4) The addition of 200 – 300 trucks per day of traffic to the Highway 61 and I-55 intersection area is a health and safety concern, particularly given the potential impact of mixing heavy truck traffic with a significant driving student population at Saxony High School. While recognizing that *gradual* traffic growth due to increased industrial and residential expansion of the area is a reality and has to be dealt with, locating a quarry in this location will, with a single decision, result in a statistically significant increase in the risk of severe accidents and fatalities.

5) As a member of the community, I have significant concerns about the proposed quarry's impact to the surrounding environment. As mentioned previously, there is an all-weather spring within 600 feet of the quarry site, on the south bank of the primary tributary into Hubble Creek in this area. This spring empties directly into that tributary at an approximate rate of 30 gph, and then into Hubble creek. The location and orientation of the spring would imply that it is fed from the south, directly from the location of the proposed quarry. Given the nature of Karst, a spring with a probable existing underground hydraulic connection to the quarry location, and the likelihood of additional rock fracturing from mining and blasting, I think it is necessary for the permitting entities and the public to understand how Mr. Strack would be able to insure that there wouldn't be undesired discharge from the mining operation off

of his mining property and into Hubble Creek via this and any other similar springs. Wildlife also make use of this spring, as evidenced by fish in the pool created by the spring and deer and other wildlife observed around the periphery of the pool.

Furthermore, Mr. Strack in his permit proposes a half-mile long impoundment berm with a holding pond to contain quarry waste and runoff from entering Hubble Creek, around the 1st proposed excavation area. This berm would border either Hubble Creek or its tributaries along its entire length. I am concerned about the integrity of such a structure, particularly as it is located immediately adjacent to the excavation and blasting area, and believe a spill into Hubble Creek would create a significant environmental hazard as well as ruin the natural state of the creek within and including its course through the Jackson City Park.

6) I have concerns about Mr. Strack's commitment to adhere to operating within permit limitations and, ultimately, to his reclamation plan. As evidence to this concern, I cite three observations:

(a) Mr. Strack himself, in a local network news broadcast in September of this past year, stated that he was not concerned with the interests of local residents and Saxony High School concerning the quarry, and in fact referred to the local residents as a "mob". This active discounting of the concerns of impacted neighbors of the proposed quarry is an indicator of how that operator will behave towards future concerns should the quarry be permitted.

(b) According to DNR records, a number of complaints of permit violations have been filed against him concerning another of his quarry operations, and his expansion permit is pending a formal hearing on those complaints. It is not reasonable to expect that his behavior and actions as a quarry operator at this operation will be any different than his demonstrated performance at his existing operation.

(c) His permit application misrepresents the current status of an easement on the land. The map included with the application indicates a water line easement along the north and east border of the property. A brief visit to the Cape County Recorder's Office provides proof that no recorded easement exists in that location, and that in fact the public water supply easement runs south along the west side of the property, then along the south side just south of the upper portion of the property, then directly *across the center of the property* just to the south of the first proposed excavation area. Whether Mr. Strack hasn't done the proper research, felt that something such as land use rights to be unimportant enough to represent properly on his application, or otherwise chose to misrepresent the current situation of that easement, is up to him to explain, but any of those reasons demonstrates either a lack of attention to detail or a disregard to disclose facts pertinent to the situation, behavior which calls into question his intent to ultimately adhere to either operating regulations or ultimately to his reclamation plan.

I respectfully request an opportunity to discuss resolution to these issues and questions, and the quarry operator's responses, at an informal public hearing. In the event the applicant refuses, or if an informal public hearing does not resolve my concerns, I request a formal hearing in order to provide further evidence to the Land Reclamation Board as to the impacts of this proposal. Thank you for this consideration.

Sincerely,



Timothy J. Sutterer
303 Eli Drive
Jackson, MO 63755

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MO. LAND RECLAMATION COMM.

DEC 27 1980



**PUBLIC WATER SUPPLY DISTRICT NO. 1
OF CAPE GIRARDEAU COUNTY & PERRY COUNTY, MO.**

6386 US HWY 61
JACKSON, MISSOURI 63755
(573) 243-7111

RECEIVED
MO. LAND RECLAMATION COMM.

DEC 16 2010

December 13, 2010

Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Re: Request for Meeting Regarding Strack Excavating, LLC

Dear Director,

We are writing this letter to request a public hearing on the quarry being proposed by Strack Excavating in the Fruitland Missouri area. Also, we would like to request that the Department consider requiring Strack Excavating to obtain a geological study in order to receive their permit for mining.

We serve over 2,400 homes in the region and feel that by Strack Excavating providing the DNR with a geological study it will help show the possible affect the quarry would have on the community and the community's water needs in particular.

The Water District Board of Directors, Engineer, and Staff are concerned for our wells located within the Fruitland community. History has shown that our wells are sensitive to geological activity. One of our well has produced "muddy water" after recorded geological activity, and had to be pumped directly to a ditch for three weeks, until clearing.

Other instances of temporary "clouding" of water in personal homeowner's wells have been brought to our attention during drilling of our most recent well sites. The District also has substantial footage of aging pipelines in the area that may be affected by the quarry. Older pipes and fittings may be affected by ground vibrations and movement, thus, weakening to the point of leaking or bursting. These repairs could result in considerable expense to the district and its customers in the long run.

DEC 16 2010

PWSD#1
December 13, 2010
Page 2

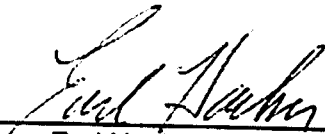
Our concerns regarding the quarry's blasting in the area seems to be thus warranted. The blasting may cause disturbance to the geologic strata structure in which our wells draw water from, similar to those caused by past drilling and ground tremors.

We as the Board of Directors need to protect the good quality of water that is to be provided to our customers first and foremost. We would like to know both the DNR's and Strack Excavating's position on what affects the quarry operation might have on our existing pipeline and wells.

Thanks you for your consideration regarding a public hearing to voice our concerns.

Sincerely,

The Board of Directors, Public Water Supply District #1



Earl Hacker, President



Robert Leible, Board Member



Bruce Lorenz, Board Member



Darren Bell, Board Member

kss

cc: Board of Directors, PWSD#1

The Church Council on last Thursday, October 21, has called a special Voters' Assembly for Monday evening, October 25, 2010 at 7:00 o'clock. The purpose of this assembly is to consider the following proposed "Statement of Support" for Saxony Lutheran School with the situation of the impending digging of quarries around the school.

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MO. LAND RECLAMATION COMM.

STATEMENT OF SUPPORT

OCT 17 2010

Our church is proud to be a member of the Lutheran Church Missouri Synod. We are also proud to be a member of the 25 Associated Lutheran Churches who have worked together to support Saxony Lutheran High School since 2000. We are committed supporters of the school's mission to provide excellent Christ-centered education to students, regardless of church affiliation, in the Southeast Missouri and Southern Illinois area. The school has shared with us their concern about the recent development of two companies applying for permits to perform mining operations on both the north and south sides of campus. We believe they are right to be concerned.

First, there is the issue of the health and safety of our students not only from the ever present dust and potential blasting but also exposing our young, inexperienced drivers to the heavy, industrial traffic that a quarry is known to generate. Another issue is the ongoing viability and livelihood of our school should a quarry be granted the necessary permits to operate as close as is being proposed. Our school which was started on faith, is now vibrant and growing. Just last year, an addition was completed to accommodate our increasing student population. Even if these developers run the best operations on record, in the end, perception is reality. And the perception of sending a child to a school literally surrounded by quarries does not bode well for our future.

This school is the culmination of a dream which the area Lutheran Churches, 10,000 communicant members strong, have had for decades. The land on which our school sits was bought with money donated by a group of faithful people who willingly gave to help this dream become a reality. Since that time, every brick, every tile, every book, every desk, every part of the school, from the classrooms, to the ball fields to the chapel area, have been made possible through selfless gifts of countless donors just like them. Anything that would blemish these gifts is something we, an owner of the school, must oppose. To this end, we stand in unwavering support of Saxony Lutheran High School and its opposition to the proposed quarry operations which threaten to surround the school.

Thomas Blome
Name (print)

Thomas Blome member 10-26-10
Signature Title Date

Saxony Lutheran High School

2004 Saxony Drive

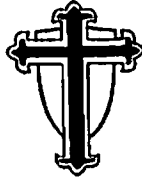
Jackson, MO 63755

Phone: 573.204.7555

Fax: 573.204.7445

e-mail: office@saxonylutheranhigh.org

saxonylutheranhigh.org



Dr. Craig Ernstmeier, Principal

Sam Sides, Activities Director

Judith Fuchs, Counselor

Rhonda Wessel, Director of Development

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MO. LAND RECLAMATION COMM.

DEC 10 2010

Director, Land Reclamation Program

Department of Natural Resources

P.O. Box 176

Jefferson City, MO 65102-0176

December 7, 2010

Land Reclamation Program Director:

Please consider this letter the official Saxony Lutheran High School correspondence in response to the potential quarry being applied for by Strack Excavating on 99 acres directly north of our school. I know several school and church families have shared their individual thoughts through correspondence. I am writing to represent the perspective of Saxony Lutheran High School. I am requesting an informal public meeting with Strack Excavating. I also am officially requesting a formal hearing in this matter. I believe the health and safety of our students, faculty and school families as well as the livelihood of our school will be significantly and negatively impacted if a quarry does business in close proximity to our school.

Saxony Lutheran High School is a thriving regional high school supported by 25 churches within a 50 mile radius. We serve students from both Missouri and Illinois and have been a tremendous asset to the entire southeast Missouri community. We are in our eleventh year as a school that has grown every year of our existence. We are in brand new facilities that were constructed in 2004 and due to our growth, were expanded upon in 2009. We have 187 students from various faiths and backgrounds. We are a flourishing school, we are a growing school, and with that, there is no reason to believe if we continue on the track we have set before us, we can grow to a school of well over 300 students. Our business, our school, our ministry is a 7 million dollar entity that has positively added to the overall culture of education here in southeast Missouri.

I am very concerned about the health of our students and faculty. We are located on a hill, so wind blows the majority of the time. This would direct Strack Excavation's fugitive dust, in any capacity, directly onto our 42 acres. I have seen information that Strack has been cited for not adhering to standards in regards to this in the past and highly doubt this would change in the future. We have 8 outdoor MSHSAA sponsored activities in boys and girls soccer, boys and girls track, boys and girls cross country, softball and baseball that would be adversely affected. Many of these sports include a great deal of aerobic conditioning which requires a great deal of lung capacity and the intake of clean air. We have visiting spectators as well as home team spectators and officials who come to Saxony to participate in these sports that could also be negatively impacted by fugitive dust. Our feeder school children join in a play day on campus in May that involves well over 300 students in attendance with teachers and supportive parents in addition to

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that number. This is a tremendous recruiting tool for us to get younger children on campus to hopefully enter our doors as a student in the future. They may move their location if this quarry goes in. We have physical education classes that go outside for class. We have art classes that draw outside. We have an outdoor classroom in our science department that students monitor throughout the year. We also have projects that are completed outdoors in the areas of social studies, math and religion as well. English takes the time on a pleasant day just to go outside to read. I question whether we will be able to continue on business as usual with fugitive dust, blasting and the noise of a quarry so close. We open screened windows in our classes to save on utility costs that would have to stay closed so fugitive dust would not enter the building through a window. Regardless we will have additional maintenance costs to keep our school as clean as we have in the past. This does not even take into account the number of students who have asthmatic or respiratory problems. A quarry so close will negatively impact the health of those who are on campus.

I am very concerned about the safety of our students and faculty. I understand it is typical in a quarry that the 'heavy' times of traffic during the day are first thing in the morning and right before closing time. These times correlate highly with the 'heavy' traffic times for a high school. The numbers of trucks who will be entering the roadway during these heavy times present grave concerns for me and the inexperienced student driver that is driving at the same time. This, in addition to the experienced parent/faculty driver who will cross paths with a heavy truck trying to get to their destination quickly so they can make more runs. I am concerned that the water we currently use will be adversely affected by the blasting and other quarry activities as well. A quarry so close will negatively impact the safety of those who travel to and are on our campus.

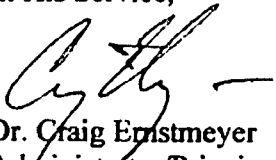
Finally, I am very concerned about the livelihood of our school. As shared earlier, we have been a thriving, growing school that has a lot of promise in the future. This quarry, with its close proximity, will shake and crack the foundation and structural integrity of the new school building. The blasting during the day will not provide an educational setting conducive to learning. Imagine taking an algebra test and all of the sudden, your seat shakes. You are no longer focused on that test. If a student has this occur enough over their four years here, their grades will be adversely affected. These poorer grades will then lead to lower tuition assistance at the college level (where most of our students enroll) because their grade point average was not high enough. The loud noise a quarry makes also will not make for a very conducive learning environment during the day or a pleasant spectator experience after school at ball games.

This land was purchased almost ten years ago through donations and we have been occupying the school building for the last 7 years. One of the greatest attributes to our school is the central location and easy access for our students, who in the past have come down from Sainte Genevieve and up from Sikeston. This commitment of over an hour travel one way shows how important this school is to a lot of people. We have tens of thousands in our Lutheran churches supporting us and we continue to have more students from other denominations come in each year. We are not trying to lead an anti quarry campaign in general, just the one that is looking to set up their business directly north of our property, the property we have been at, and the one we will continue to be at in the future. Saxony has had a lasting impact on those who have been able to be a part of this school. We are proud of our school on top of the hill.

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For the reasons cited, I again request an informal public meeting with the Strack Excavating. I also request a formal hearing in this matter. I truly believe the health and safety of our students, faculty and school families as well as the livelihood of our school will be significantly and negatively impacted with the addition of a quarry within such close proximity to our school. Thank you for your service and attention to this matter.

In His Service,



Dr. Craig Ernstmeyer
Administrator/Principal
Saxony Lutheran High School

December 2, 2010

RECEIVED
MO. LAND RECLAMATION COMM.
DEC 09 2010

To the Missouri Land Reclamation Commission:

I am writing to request a formal courtroom hearing on the quarry being proposed by Strack Excavating in Fruitland, Missouri. I am very concerned about the health and safety of the students of Saxony Lutheran High School should this quarry be allowed to locate on the adjoining area, directly North of this school.

As it relates to health, several of our area students have asthma and my research shows that quarry dust is extremely detrimental to children with this condition. This dust would pose a health risk not just for Saxony students but Jackson R2 North Elementary, and numerous Day Cares also. I know that there are several adults/children in our neighborhood that have respiratory problems.

I am very concerned about the heavy truck traffic which is standard at any quarry like the one being proposed. Common sense suggests that mixing this kind of heavy industrial traffic, in addition to P&G and Nordinia employee traffic, and several Trucking companies in this area, is a recipe for disaster.

I live less than 1/4 mile (approx 1200 feet) from this proposed quarry and I believe Strack Excavating would be very detrimental for our area residences, of Hubble Creek, our air quality, and possible damage to our Public Water Supply District #1 Wells. There are two of these wells inside 2 miles of the proposed site. We are not resting well with the suggestion that; the blasting "won't bother septic tanks in our area or damage our houses." There is just too much at risk. The thought of allowing ANY quarries in this heavily populated area is utterly absurd!!

I understand that a Public Hearing has already been denied by the quarry owner because "it would not produce a satisfactory result." My question is: for who? I know that I am just one voice but there are many others that deserve to be heard. A courtroom hearing is the best way to allow that to happen. Please help us!

Thank you for your consideration.

Sincerely,
Margaret A. Makins
Margaret A. Makins

226 Eli Drive

Jackson, MO 63755

(573) 243-4393